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CURRENT TOPICS

London Government

So far two Herberts have been prominently associated with local government in London and it may well happen that the bigger revolutionary of the two will turn out to be Sir EDWIN HERBERT, K.B.E., sometime President of The Law Society and Chairman of the Royal Commission on Local Government in Greater London, which has had the temerity to propose the extinction of the London and Middlesex County Councils, the free use of the knife on four other counties and the shot-gun weddings of a large number of boroughs. Whatever view one may have of the Commission's conclusions (and we have the temerity to agree with them) the Report itself is a masterly piece of work. Like a Beethoven symphony it marches relentlessly to its triumphant and devastating conclusion. We congratulate Sir Edwin and his colleagues on it: they must have spent many long hours going through the evidence and weighing the opposing arguments put before them. One of the difficulties in devising new constitutional and administrative machinery is that fortunately the British are very good at improvising. "After all, it works" is the ultimate justification of much in our machinery of government which is slow, obsolete and ineffective. We do not apply any of those epithets to any individual existing local authority in Greater London, but what does emerge from the Report is that the sum total of all the authorities does not add up to what is needed. Unless we decide to make local government in Greater London effective, the inevitable result will be for power and responsibility to slide still more into the hands of the central government. Obviously no one can be tied down to detail at this stage, particularly since many of the Commission's recommendations are only provisional, but in principle we believe that we should be far-sighted enough to accept the proposals of the Herbert Commission.

Suicide

THE Criminal Law Revision Committee were asked by the Home Secretary last year to consider what consequential amendments in the criminal law would be required if suicide and attempted suicide ceased to be crimes, but if inciting or assisting someone to commit suicide were to remain an offence. The Committee have now produced their Report (Cmnd. 1187, H.M.S.O., 9d.) which contains a draft Bill. The first clause provides that suicide shall no longer be a crime, so that attempted suicide goes with it. The second clause would make it an offence for a person to aid, abet, counsel or procure the suicide of another or an attempt by another to commit

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suicide. This proposed amendment of the law would necessitate a slight amendment to s. 4 of the Homicide Act, 1957, so far as it relates to one person being a party to the suicide of another. This would cease to be manslaughter as it is at present and would be caught by the proposed new Bill.

Legal Education

A REASONED criticism of The Law Society's new scheme for legal education begins this week. Our columns are open to those who have praise or criticism to offer on this very important subject, but we would like to make it clear that we do not necessarily agree with either Mr. SIMS' article which we published last month or with that which we publish this week. As the two articles are in many respects opposed this is hardly surprising.

Change of Bench

THE Durham magistrates were recently confronted with an unusual problem when a magistrate and former mayor was summoned for failing to pay the full amount of his rates. The magistrates decided to ask magistrates from another bench to hear the case and, while they were wise to take this course, we have been unable to find any case in which an exactly similar situation arose. It is true that in *Afford* v. *Pettit* (1949), 113 J.P. 433, LORD GODDARD, C.J., suggested that, to avoid the appearance of bias, where a borough councillor is charged with an indictable offence before the borough justices he should be committed for trial, but in *Brookes* v. *Rivers* (1668), Hard. 503, it was held that the fact that the defendant was married to the judge's sister did not disqualify the judge from hearing the case. The facts of *R.* v. *Great Yarmouth Justices* (1882), 8 Q.B.D. 525, were similar to the situation which might have arisen at Durham. At a special sessions for appeals against a poor rate the chairman of the magistrates, who was himself an appellant in one of the cases for hearing, took part in the decision of all the cases except his own. When his own case was called he left the bench and went to the body of the court to conduct the case himself. It was held that the chairman, being a litigant in a matter similar to the other matters before the court, was disqualified from acting as a justice and the orders were quashed, but it is not suggested that this case established that magistrates cannot hear a case brought against one of their number.

Income Tax Offences

A PERSON is guilty of perjury if, when lawfully sworn as a witness or as an interpreter in a judicial proceeding, he wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true: s. 1 (1) of the Perjury Act, 1911. However, the provisions of the 1911 Act are not confined to persons "lawfully sworn" (a term which includes the making of a legal affirmation or declaration: ibid., s. 15 (2)), but apply also to certain statements made otherwise than on oath. We were reminded of this when we read that at Old Street Magistrates' Court a retired stockbroker had been charged with wilfully making a statement otherwise than on oath which was false in a material particular, namely, that a form of return contained a true and correct return of all sources of his income and of the amount derived from each source. Section 5 (*b*) of the Act of 1911 provides that: "If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made . . . in an abstract, account, . . . return, or other document which he is authorised or required to make, attest, or verify, by any public general Act of Parliament for the time being in force . . . he shall be guilty of a misdemeanour . . ." It is also a common-law misdemeanour to make a false statement relating to income tax, with intent to defraud the Revenue, when such statement is not contained in a document of the class covered by s. 5 of the 1911 Act. Thus in *R.* v. *Hudson* [1956] 2 Q.B. 252, a taxpayer was convicted on eight counts of an indictment charging him with making false statements to the prejudice of the Crown and the public revenue with intent to defraud. The taxpayer's appeal to the Court of Criminal Appeal on the ground that the offence charged was not one known to the law was unsuccessful and LORD GODDARD, C.J., affirmed that what had been done was, and always had been, an offence at common law.

Right to Enter Premises

THE Uxbridge magistrates recently issued a warrant to enable a public health officer employed by Hayes and Harlington Urban District Council to enter certain premises because there was reason to believe that the eighty-nine-year-old occupier was living in conditions prejudicial to his health. We imagine that this warrant was issued under s. 287 of the Public Health Act, 1936, which provides that any authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours for the purpose, *inter alia*, of ascertaining whether or not circumstances exist which would authorise or require the council to take any action, or execute any work, under the 1936 Act or any byelaws made thereunder. Except in the case of factories, workshops or workplaces, admission cannot be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier (as to the form which this notice must take, see *Stroud* v. *Bradbury* [1952] 2 All E.R. 76). However, where it is shown that permission to enter any premises has been refused and that there is reasonable ground for entry into those premises, a justice of the peace may by warrant authorise the council by any authorised officer to enter the premises, if need be by force, but notice of intention to apply for such a warrant must be given to the occupier.

Iconoclast

A SHORT colloquy in the Court of Appeal last week may be the harbinger of more revolution. Their lordships had heard an appeal with the intriguing name of *National Pig Progeny Testing Board* v. *Greenall and Another* (*The Times*, 19th October) and the MASTER OF THE ROLLS had suggested a simple instead of a complicated method of carrying the court's decision into effect, when HARMAN, L.J., unexpectedly proposed the abolition of "*in re*." At which, many thousands of deceased solicitors and unadmitted men are believed to have moved quietly in their graves. Solicitors' letters would not suffer from losing "*in re*," but some documents would look positively naked. It would do all of us good to wipe out some of the accumulated jargon of years.

COURT USHERS

By CHARLES ROYLE, J.P., M.P., Deputy Chairman of the Council of the Magistrates' Association

SOME weeks ago the attention of magistrates, through their Journal, was called by the chairman of a domestic court to an unusual occurrence in his court and one which must be unusual in a general sense, albeit a most disturbing matter.

It appears that a wife, in seeking a separation order against her husband, sought to point out what manner of man he was and how he affected the moral standard of the household by forcing his wife to use food which he had stolen. Apparently there was in court a police officer who was acting as court usher and he considered it his duty to report what he had heard to his superiors. The man was interviewed by the police and he admitted that his wife's allegations were true and in due course he was convicted of larceny.

Persons permitted to be present

Section 57 of the Magistrates' Courts Act, 1952, lays down very clearly the limitations as to who may be present at hearings in matrimonial cases. Subsection (2) of the section does include "officers of the court," and it must be assumed that a policeman who is acting as usher is in that category, but the objections seem to be very apparent. If any person felt that criminal proceedings were to follow from evidence given, much vital information might not be made available to the court. People are prepared to speak freely in civil actions, whereas they would be more reticent if they felt that those actions were to be associated with criminal proceedings.

The constable in this particular case must be freed from blame because he would be open to a charge of neglect of duty if he had failed to report the facts.

What is the answer?

What is the answer to such a situation? Would members of the legal profession and lay justices regard it as right and proper that this risk should persist? Dr. Eric Fletcher, M.P., was concerned about the matter and on 29th July last he asked the Home Secretary the following question in the House of Commons:—

> "Whether the Secretary of State would, regarding the conduct of police officers when acting as ushers in matrimonial proceedings, so amend the law as to ensure that such proceedings remain entirely confidential?"

Unfortunately the question was not reached and the written reply said: "I have considered the Hon. Member's communication but I am not convinced that there is a case for legislation."

So there, for the present, the matter stands, but it does not appear to be in accord with the spirit of the 1952 Act as it applies to domestic proceedings in magistrates' courts.

This case revived in my mind what I confess is a hobby-horse of mine: the principle of having police officers as court ushers in any circumstances, whether in courts which are confidential or those open fully to the public. It may be that the latter are the more important because of the very fact that the public are present and they may be inclined to think that magistrates' courts are run and controlled by the police.

Usher should be magistrates' servant

The police function in court is that of prosecutor and it is basically wrong that they should have more apparent possession rights than the defendant in any case. The aim should be to assert that the court is controlled by the justices themselves and their clerk. It would appear, therefore, that the usher should be the servant of the magistrates and should be employed by the clerk. It is abhorrent to see a policeman administering the oath to every witness—prosecution and defence alike—and to the defendant himself when he enters the witness box. It is wrong when it is necessary for silence to be demanded that it should be called for, often in a loud voice, by a representative of the prosecution. It is against the seeming justice of the court that it should be a policeman who goes to the door to call the name of the next witness or defendant—from the hall of the court where many members of the public are assembled. The atmosphere so created is that it is a "police court."

Name of "police court" abolished

Two Acts of Parliament set out to abolish the name of "Police Court," namely the Justices of the Peace Act, 1949, and the Magistrates' Courts Act, 1952. The former measure established the name and set up magistrates' courts' committees for the control of the courts. The police have no part in that procedure. The latter Act confirmed the idea in the title, the interpretation in s. 124, and in every other reference. It is the duty, therefore, of everyone occupied in the courts to see that the spirit is carried out.

All this is no criticism of the efficiency of the police officers who do this work. They are excellent in that respect, but I cannot imagine that any chief constables would object to the proposal to appoint civilian ushers. Almost every police force in the country is below strength, and yet valuable officers with a full knowledge of court procedure and a greater knowledge of the law than most of their colleagues are kept away from the essential work of prevention and discovery of crime. Surely in many forces the chief constable would be happy to see such officers released for basic duties.

There may be many objections to the appointment of civilians for this work, but the only one I have come against is the one of expense to the paying authority and perhaps particularly in the county areas, where courts meet only once a week or even once in two weeks. Let me say straight away that I believe that no principle should be sacrificed on the grounds of expense, and very much so where the reputation of justice is concerned. The essential thing is to ensure, in the hackneyed phrase, that justice should appear, manifestly, to be done, and that is achieved by proving that the court is controlled by the Bench and not the police.

Proposals

It is my responsibility in this article to show how it can be done, even if expense is a governing factor, and so I make suggestions to overcome this side of the problem. I recognise the responsibility of the local or paying authorities to take care of the public purse.

Let us, first, take the large cities and towns. These places have many courts each week and sometimes several courts each day. They are large rateable value areas and the payment of a civilian usher is infinitesimal in the total public expense. In some cases several ushers would be necessary, but since the courts do not often sit throughout the day many other duties could be undertaken by the ushers in a large administrative building. There is no doubt that

harassed justices' clerks could find work for them to do outside court duties. Therefore, these officers could be full-time on the staff of the clerk.

Secondly, as to the smaller towns such as the non-county boroughs, it is, of course, impossible to tell a man that he will be engaged only in the mornings, because no clerk can say that a court will be over by lunch time and hearings are often prolonged. This does not mean that a full-time officer is required. In a court where I worked for very many years the man responsible for the cleaning of the building was appointed as usher and it has proved a great success, adequate cleaning staff being found. He acts as superintendent of the building and performs the usher duties each day. An alternative, if a less desirable one, is that of employing a retired police officer by way of augmenting his pension. Experience has shown that such men do not lean to their former colleagues but that they do in fact exercise their new authority even towards those with whom they previously worked. If the retirement of justices' clerks' assistants came at a reasonably early age, I can think of no better person for this task. Even if they felt able to continue in the task for only four or five years, it would be a great advantage to them and to justice.

Lastly, by far the most difficult problem is created by the county benches in rural areas. In this respect I have two alternative suggestions to offer. In all such areas there must be intelligent citizens who would be glad to be court usher once a week for a bit of pocket money. Such persons would take a pride in that appointment and regard themselves as essential public servants. I cannot believe that it would be impossible to fill this post in almost every area, at very little cost to the community.

The other alternative seems to be a simple solution. Several courts in county areas have one clerk. To-day he is at Hailton, to-morrow at Grinfield, the day after he goes to Uckford. Why cannot he employ a civilian usher to travel with him with the cost shared by the various authorities or met by the county itself?

These are the beginnings of ideas and by carrying them out we can achieve what the Acts set out to do. The problem is simplified by the existence of the Magistrates' Courts Act, 1957, now that the majority of cases do not require the presence of police officers, particularly in motoring offences. With respect, and in more ways than one, the fewer policemen there are in court the better it is for the reputation of British justice. In courts where the civilian usher is engaged the atmosphere is completely different and the title "magistrates' court" becomes manifest. My hope is that the Royal Commission on the Police at present sitting may see fit to make such recommendations.

EDUCATION SCHEME FOR SOLICITORS—I

As a solicitor who took an arts degree (post-war) before paying a premium to enter into unremunerated articles, and who, after taking an external law degree, taught articled clerks for four years on a part-time basis in approved law schools, I consider myself sufficiently interested in legal education to comment upon the new scheme for the education and examination of solicitors which has been proposed by The Law Society.

Mr. Harvatt's stimulating article (p. 755, *ante*) on the Post-Final Practical Course which the Council of Legal Education provides for barristers serves to emphasise the lack of imagination with which the Council of The Law Society has re-arranged its ideas in a scheme which amounts to an abject confession of inability to provide or even to envisage an adequate training for solicitors. The failure of the scheme to take into account any of the broader issues of professional legal education in this country stamps it as the product of a reactionary *ancien régime* which is as doomed to extinction as the letter-press.

It may be assumed that the improvement of recruitment for the profession, the maintenance of professional standards, the provision of vocational training, and the question of social responsibility for these matters, were all before the Council in the consideration of this scheme; and an examination of the scheme from the point of view of recruitment, professional standards, and vocational training will indicate what the Council's view of social responsibility in these matters is.

Recruitment

There is no doubt that the Council is, at the present time, seriously perturbed at the shortage of suitable recruits for the profession. A permanent or long-term insufficiency of solicitors would spell disaster for the profession. It would have the direct result of encouraging, simply by pressure of demand, unqualified persons to engage in legal activities. There is a marked tendency already for solicitors to leave tax and company law matters to accountants; town and country planning, agricultural holdings and even landlord and tenant matters to estate agents; and probate, estate duty and trust matters to the big banks. Unless the solicitors' profession can keep up to date in recruitment, training and outlook with all the legal developments of our society, it will find itself retreating into the small corner of its exclusive legal privileges in conveyancing and litigation. Adequate recruitment and high standards are essential if the profession is to maintain its rôle.

The Council's new scheme makes certain proposals which will have a direct effect on recruitment. To begin with, it raises the minimum standard of general education required of those entering articles; articled clerks will now be, in general, of at least the same educational standard as university entrants. This virtually means an end to the recruitment of the five-year man to the profession; because the eligible articled clerk will also be the eligible undergraduate, and to go to university, grant-aided, is a better proposition than entering articles: a better proposition for the parents, and a better proposition for the student. It by no means follows that the student will read law at university. Of the 345 finalists in June of this year, some 120 were five-year men; and I ask myself how many of these would have been eligible for entry into articles under the new scheme. If the new scheme will mercifully prevent from entering into articles those unfortunate runners, straight from school, who, refusing time and again at fence and ditch, finally give up the chase, it must also be remembered that it shuts the door of the profession to those not of sufficient academic inclination to aspire to university, but who have in the past found their feet as articled clerks in the empirical surroundings of the solicitor's office, and made good. The new scheme, in casting

in its lot with the universities, will lose, rather than gain, in the matter of recruitment.

The Council's proposals for arts and science graduates are also likely to lead to a sharp decline in recruitment for the profession from that source. At the present time, the arts or science graduate may qualify as a solicitor within three years after taking his degree: but under the new scheme he has to pass Part I before entering articles at all; and then he must wait two and a half years before he may qualify. It is unlikely that even a graduate could meet the demands of the new Part I in less than eighteen months, so that he will wait four years to qualify after taking his degree. This extra year, combined with the uncertainty of his position before Part I (he is not even in articles), and the expense of studying for Part I, is bound to deter graduates from considering the profession as a career. It goes without saying that the arts or science graduate is one of the ablest and most enthusiastic entrants to the profession. He has a trained mind, a liberal education, and habits of assimilation and analysis. He is the last person, therefore, to be discouraged from entering the profession. Apart from being educationally reprehensible, the Council's treatment of the non-law graduate is a particularly retrograde step at a time when age of entry to the university is eighteen and a half or nineteen, and the universities are talking about four-year degree courses. Some seventy non-law graduates are listed in the June finals list. How many of these would have been deterred from entering articles by the prospect of a four instead of a three years' wait for qualification?

If the Council has determined a policy which will eliminate the five-year man, and discourage the non-law graduate, one can see clearly the idea which the council has grasped. It is that your young man of good brains but slender means will obtain a law degree at State expense, and will then be attractive enough to be offered paid articles. There is nothing wrong with the idea: it is old enough; but what is wrong is that the Council has used it as a pair of blinkers, excluding everything else from its field of vision. In the new recruitment campaign, the law graduate is to be wooed virtually to the exclusion of all others.

Standard of examinations

The new standard of professional examinations is clearly foreshadowed in the scheme. Parts I and II are to be made easier to pass than the present examinations of The Law Society. Under the scheme, provided the candidate passes in three subjects of his choice, he will be permitted at any subsequent examination to take any one or more subjects of his choice. The reason given for this is that the present final examination is "too much of a test of memory and a feat of endurance." No doubt it is to the people who fail it; but the solicitor is supposed to be one of your reasonable chaps on the Clapham omnibus, and the man on the Clapham omnibus may expect to have his memory tested or to put up a feat of endurance once in a lifetime, particularly if he intends becoming a useful, indeed a key, member in the community. The upshot of the scheme is that the Council looks forward to a profession recruited almost exclusively from law graduates who have opted at university for all the subjects which will exempt them from Part I and make Part II easy, and who have then been brought easily through paid articles and a "bits and pieces" examination to the Roll of Solicitors. Now this I find a disturbing prospect: for three years at university reading law, followed by two and a half years in articles, can hardly be termed a liberal education: it is much too theoretical and specialised. While it is perfectly all right for numbers, perhaps even a majority, of the profession to have been trained in this way, nevertheless this part of the scheme, combined with the limited scope of the new syllabus, savours of a rigidity and narrowness of approach to the whole concept of professional education which seems to open the door to and beckon in the unqualified man, the estate agent, the accountant or the bank manager. Is it a coincidence that Succession becomes an optional paper?

(To be concluded) WILLIAM A. LEE.

LEGAL AID IN NEW YORK

I HAVE described in outline the contingent fee system which in effect renders unnecessary a legal aid scheme for personal injuries and in a few other types of case. English lawyers object to the idea on the ground that it gives the lawyer a direct pecuniary interest in the outcome of legal proceedings. The contingent fee, however, is only part of the answer and for many years past Americans have recognised that there is an obligation on the community to ensure that those who need legal advice and aid and who cannot afford it should have it. The social conscience of Americans is every bit as sensitive as our own and in many respects a great deal more practical. Different States, and different communities within States, have evolved different solutions. The National Legal Aid Association publish a small leaflet in which they answer the question "Who supports Legal Aid?" like this: "The community, usually, just as it supports many health and welfare services. In most places Legal Aid is financed through the Community Chest. In a few places tax funds are used, and in others it is carried on in whole or in part by the Bar Association. It varies from one city to another, but always Legal Aid is the community law office, assuring equal justice under law."

The significant fact about this passage is the distinction drawn between "the community" and tax funds. I have already described the prevalent American objection to active participation in economic and social affairs by governments, federal, State or municipal. I gained the definite impression that receiving tax money is to be avoided at all costs.

The Legal Aid Society of New York City in 1959 had a total income of nearly $550,000. Of this over $165,000 consisted of donations from law firms and individual lawyers. The underlying idea is that lawyers have a particular obligation to ensure that no one who needs it goes without legal aid: we have the same idea, manifested in the former Poor Persons Procedure and dock briefs. It has become accepted that lawyers may commute their personal obligations for money payments. Nearly another $100,000 came from donations from non-lawyers; $25,000 from commissions, retainers and fees, $90,000 from investments and the rest from various sources, mostly charitable, including two theatre benefits. New York City provides premises but no money.

Nearly $450,000 were spent on salaries of the staff, which includes fifty whole-time attorneys, who are assisted when necessary by volunteer attorneys and law students. The

criminal branch of the Society has a staff of twenty-eight attorneys. There is nothing like our system whereby private practitioners handle cases in their own offices.

The financial qualifications are an individual income of $50 a week or less or a family income of $75 a week or less. The maximum capital allowable is $300, although the ownership of a small equity in one's own home which cannot be readily liquidated for more than $1,000 is disregarded. Ownership of a car not necessary for employment disqualifies, but the most significant disqualification is the fact that the matter may entail the recovery of more than $500. The last type of case normally becomes the subject of a contingent fee. Those who are not eligible for legal aid are referred to the Legal Referral Service of the Bar Association of the county in which the applicant resides or works, unless of course the applicant prefers to choose his own lawyer.

I gathered that the general practice for wives who want divorces is to engage an attorney who obtains security for costs from the husband—a variety of contingent fee. Impecunious husbands who want divorces are, I was led to believe, frequently unlucky, but this is one of the many subjects I was unable to ask about fully.

The Society during 1959 received 75,984 eligible applications, of which 35,506 related to criminal cases. Of the 40,478 civil applications about one-third, nearly 13,000, came under the heading "Family," in which I assume some divorces are included as well as maintenance, separation and other family misfortunes. Landlord and tenant account for 7,500 applications and cases "growing out of contract" for another 7,300. The remaining 14,000 or so cases were miscellaneous in character, and included torts, welfare and social security, property matters, estates and trusts and changes of name.

"Cases growing out of contract" include wage claims, collection of small debts, hire purchase and credit sale agreements. In addition the Society deals with small probates, small accountings for guardians of infants and committees of mentally ill persons, adoptions and the drafting of simple legal documents, as well as claims for personal injury and damage to property "if the amount claimed is too small to interest private counsel."

Each applicant pays a registration fee of one dollar, if he or she can afford it, and a commission may be collected if money is actually recovered. The applicant pays any disbursements but the Society has a small fund out of which to pay the disbursements of the extremely destitute.

I was fortunate enough to see several cases in the New York criminal courts where defendants were legally aided. I was very impressed with the thoroughness and ability with which the defences were conducted. In two cases, after shrewd and devastating cross-examinations, defendants were triumphantly acquitted with no case to answer.

P. Asterley Jones.

John Mackrell Prizemen Series

PROFESSIONAL WORK AND UNQUALIFIED PERSONS

Most solicitors are familiar with the ever-increasing work done by banks associated with legal business. It is the purpose of this article to consider the points where legal work is done by or for unqualified persons and to consider the legality of more work being carried out in this way.

For some time now solicitors must have felt concerned about the work done by the banks which might often have come the way of solicitors, and one is moved to think of possible consequences, if the trend is not arrested.

Many more councils, companies and corporations have of recent years begun to employ solicitors as salaried staff to deal with the legal work of the corporate body and it is contemplated that the time is not far hence when the banks and their trustee corporations may well do the same. It is the object of this article to discuss this more generally.

Interest of the profession

In the first instance, the legal profession might have to think twice about the desirability of frowning on the trend.

The salaries paid by the corporations at present compare more than favourably with those paid to assistant solicitors in private practice. The scope of the work offered by a trustee corporation must of its nature limit the opportunities for advancement, as much of it is of a routine nature. One must accept, of course, that there are a few key positions for executives, or for highly specialised work. Therefore, it may be concluded that the wider experience gained by an assistant solicitor in private practice, compared with working for a trust corporation, will often be of much greater value in later years in partnership; although the earlier rewards may be less.

Whether this will always be so is a matter of doubt. The degree to which specialisation is being encouraged by the larger firms, and by The Law Society themselves, may reverse the position. A specialist solicitor employed by a bank in company work, or in administration of estates, or in trust work, may become valuable as a specialist in private practice. The essential point seems to be that there ought to be a free flow of persons employed in corporations to and from private practice. The use of pension schemes and special benefits to retain staff in corporations is unlikely to produce this result.

If the trend considered continues, solicitors in private practice need have little alarm where corporations are concerned. If a company is big enough to employ its own whole-time solicitor, it should be entitled to do so, provided, of course, that the restrictions on acting for the company's employees are adhered to. After all, there is little difference between the company sending all its legal work to one firm of solicitors and employing the head of the firm whole-time, so far as the solicitor's benefit is concerned.

The extent to which councils should employ solicitors is somewhat less freely granted.

If the council has a sufficient variety and quantity of legal work, which would otherwise have to be sent out to a local firm of solicitors, to employ a solicitor's entire time, the council might justifiably employ a solicitor as its clerk, or, in the larger councils, even assistant solicitors; but where a solicitor employed as clerk is primarily occupied with the duties of a local government official, he ought not to be so appointed. The question of comparative cost of the qualified man, as opposed to the trained local government official, in

practice may determine the point satisfactorily, but more and more solicitors must be drawn into local government work by the high scales offered to younger men, thereby lessening the value of the qualified man of some experience who is employed on work which an unqualified man ought to be doing.

If, however, banks and trustee corporations are to employ solicitors on an extended scale, the temptation to do more legal work for the general public will be difficult to overcome and The Law Society must be vigilant to ensure that the corporate lay employer does not pocket the profit costs, which ought properly to go to the professional man. This work will often be obtained by the benefit of a nation-wide advertising campaign, which is denied to the profession individually and discouraged by The Law Society generally.

Agencies

To turn now to lay agencies, the danger to the profession from this direction is much less great.

The law stationers, company registrars and patent agents make no attempt to attract the general public and really provide a most useful specialised service to solicitors. There is a question whether The Law Society ought not to encourage lay agencies to provide specialists for the profession.

One can visualise agencies providing specialist advice on company law, discretionary trusts, tax saving schemes, estate duty and town and country planning and compensation, rather in the way in which bills of costs are sent out to draftsmen by smaller firms, or London agents are employed by country solicitors in contentious matters.

Provided adequate restrictions on approaching lay clients are imposed, and firms providing specialised services are controlled only by solicitors or barristers, the expense of qualifying as a lawyer and a specialist would be suitably remunerated, rather than the profit costs being diverted into a public company, controlled by unqualified persons, simply by their providing capital. Furthermore the small private practice with its wider experience can be safely retained.

There is much to be said for permitting barristers and solicitors to work in partnership in such specialised firms. The objections raised against fusion generally would not apply to these firms, in that they would not be permitted to approach lay clients and would have only solicitor clients, much as the barrister does to-day, but with the advantage that the barrister could share the experience of the solicitor in the chosen field. Also the solicitor would be available to deal with work properly calling for specialist knowledge, but which would not warrant employing a barrister.

This is the kind of work which a solicitor in a small firm rarely meets with in his day-to-day work and which he would probably attempt to do inadequately, possibly at expense to himself. It is work which he feels he must do for his client cheaply and accurately, but where he does not feel entirely at home. The occasions on which this occurs must have been met by every practising solicitor and are increasing as specialist knowledge is more often required.

The lay agencies, as they now are, are primarily a useful messenger service for carrying out searches, lodging papers, inspecting records, attending to stamps and adjudications and performing services requiring personal attention, which the solicitor does not need to do himself. Their function for the solicitor is similar to the functions of the local government official who does work for the council for which a solicitor is not needed.

The same argument used against dispensing with the unqualified local government official can be applied in favour of the lay agent. In dealing with probate and administration of estates and company law they are experienced practitioners in their own fields and their personal contact with the Inland Revenue officials and companies registrar's officials are a boon to the country solicitor, who does not wish to incur the probably heavier expenses of professional London agents.

The province of the lay worker in the legal field has now been explored and a few general principles can be deduced.

Principles on which unqualified persons may act

The first principle is that, where legal work proper to be carried out by a solicitor is concerned, the employer of the solicitor doing the work ought to be a solicitor himself; or, if not, the legal work should be done for the employer only and not for his customers or employees.

Secondly, there is scope for legal firms employing barristers and solicitors to devote their attention to specialised matters. Such firms should be permitted to advertise in the professional journals only and would provide specialised services to general practitioners rather as the lay agencies now do.

Thirdly, it is important that The Law Society control all forms of advertisement and touting for business by all non-professional employers of solicitors, for this is an indirect method of obtaining legal business, through the medium of an unqualified principal, by means not open to a qualified principal.

The law

It remains only to consider the rules which govern practice by unqualified persons. These are surprisingly little-publicised and a review of such rules would not be amiss here. They are comprised in ss. 18 to 22 of the Solicitors Act, 1957.

Section 18 provides that no unqualified person shall act as a solicitor and the section provides primarily against acting in matters in court.

Section 19 provides that "any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognised by law as qualified to act as a solicitor" shall be liable to a penalty.

This section does not apply to bodies corporate (*Law Society* v. *United Service Bureau, Ltd.* [1934] 1 K.B. 343) and, therefore, would not apply to the banks, corporations and lay agencies considered generally in this article. But s. 22 (1) provides that "if any act is done by a body corporate, or by any director, officer or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified or recognised by law as qualified to act as a solicitor," the body corporate, or director, officer, or servant are liable to fines and subs. (2) states that references in ss. 18, 20 and 21 to "unqualified persons" and to "persons" include references to bodies corporate.

Sections 19 and 22 do not seem to take the matter very far. It is one thing to pretend to be, or hold oneself out to be, a solicitor. It is quite another for a lay principal to act through a solicitor agent.

Section 20 provides that "any unqualified person who either directly or indirectly (*a*) draws or prepares any instrument of transfer or charge for the purposes of the Land Registration Act, 1925, or makes any application or lodges any document for registration under that Act at the registry;

or (*b*) draws or prepares any other instrument relating to real or personal estate, or any legal proceeding," shall be liable to a fine, "unless he proves that the act was not done for or in expectation of any fee, gain or reward."

There is an exception, *inter alia*, in favour of a public officer drawing or preparing instruments or applications in the course of his duty. There is also excepted from the expression "instrument" wills, agreements under hand, powers of attorney and ordinary stock transfers.

An example of how the section affects corporations is *Beeston and Stapleford U.D.C.* v. *Smith* [1949] 1 K.B. 656, where an unqualified clerk prepared mortgages and investigated title in respect of advances under the Small Dwellings Acquisition Act, 1899, and the council charged the mortgagors for the service. It was held that both the clerk and the council were liable under the section. Moreover, the clerk was paid out of local funds and was therefore held not to be a public officer.

Section 20 may be remarked upon in two respects. First, it would seem open to banks to draw wills for customers. A statement was issued by the Committee of London Clearing Bankers in 1954 (see *Law Society's Gazette*, vol. 51, p. 369) in which the current bank practice was made clear to the legal profession and it was declared that bank officials are not allowed to prepare wills or codicils for customers. One has the feeling that if the practice changed The Law Society would at once press for legislation to amend this section; but nevertheless the statute leaves the matter open.

Secondly, the question arises as to how legal is the preparation of bank mortgages by bankers themselves. It is submitted that the common practice of banks relying on reports on title to give sufficient information for their securities officer to prepare a mortgage in favour of the bank is illegal. There can be no doubt that the instrument is prepared by the bank in expectation of gain or reward. Most banks, when delivering their statement of account, do not differentiate between interest and other bank charges. But even if banks were to do so, it seems that the interest could not be earned without the preparation of the deed. Indeed, the words "or in expectation of" appear to have been added to the section for the purpose of including rewards which were not paid for the act itself of drawing the instrument.

Section 21 makes it a summary offence for any unqualified person directly, or as an agent of any person, whether or not that other person is a qualified person, to take instructions for or draw or prepare any papers on which to found or oppose a grant of probate or of letters of administration, unless he proves that the act was not done for or in expectation of any fee, gain or reward.

The leading case on this section, *Law Society* v. *Waterlow* (1883), 8 App. Cas. 407, established the right of one of the well-known lay agencies to act as messengers and deliver papers and make inquiries of solicitors in connection with probate work.

Comment which might be made about s. 21 is that it provides for the position where an unqualified person acts as agent of any person, but it does not apparently provide for the opposite position where a qualified person acts as agent for an unqualified person.

Section 34, however, prevents a solicitor from acting as an agent or permitting his name to be made use of in any action upon the account or for the profit of any unqualified person; "or doing any other act" enabling any unqualified person to appear, act or practise in any respect as a solicitor in any such action.

It might be thought that this section would check the employer of a solicitor from benefiting from his services, but it was held in *Scott* v. *Miller* (1859), John s. 220, that the section aimed at preventing the unqualified person appearing to act as a solicitor and subsequent cases have all involved an unqualified person doing acts for his own profit and using the name of a solicitor to do so. Therefore the section may do no more than support ss. 19 and 22 and check unqualified persons pretending to be solicitors. Moreover, it is submitted that the section is limited to "actions" and therefore to contentious matters.

Rule 3 of the Solicitors' Practice Rules, 1936, prohibits a solicitor sharing profit costs with an unqualified person, but there is a proviso that a solicitor who has agreed in consideration of a salary to do the legal work of an employer who is not a solicitor may agree with such employer to set off profit costs received by the solicitor against the salary and the reasonable office expenses of the employer. The Council of The Law Society have made it clear that they will not grant waivers under the rules in favour of such solicitors where the employer states that the solicitor is prepared to accept instructions from his fellow-employees and that he will pay the charges of any solicitor that the employee instructs or provide the services of the employed solicitor free (*Law Society's Gazette*, 1954, vol. 51, p. 287).

When these sections are applied to unqualified persons or corporations, one question which goes unanswered throughout is, what constitutes acting as a solicitor? The definition section of the Act is meagre and s. 2, which defines the rights and privileges of a solicitor, does not seem to contemplate non-contentious business.

Section 20, which prevents the drawing of instruments relating to real and personal estate by unqualified persons, seems to be the main bulwark of the profession. There must be many occasions when offences against this section are committed by unqualified persons. If a bank procures a person to sign a simple declaration of trust, prepared by the bank, or a company agent draws a memorandum and articles for a lay client, otherwise than through the medium of a solicitor, surely an offence is committed.

It must be left to members of the profession to produce their own examples and to have the question settled whether The Law Society ought not to form their own "Trade Protection" Committee to check abuses of the statute, which will in time grow by custom and acquiescence.

E. V. B.

Honours and Appointments

Miss MURIEL ANNE ASHTON, assistant solicitor to Gosport Corporation, has been appointed Deputy Town Clerk and Deputy Clerk of the Peace at Winchester.

Mr. DENNIS PARKER HARRISON, clerk to Calne and Chippenham Rural District Council, has been appointed clerk to Eton Rural District Council.

Mr. HUGH EMLYN HOOSON, Q.C., has been appointed Deputy Chairman of Flint Quarter Sessions.

Mr. WILFRID LYONEL MIRON, Deputy Chairman (formerly legal adviser) of the East Midlands Division of the National Coal Board, is to succeed to the chairmanship at the end of the year.

Landlord and Tenant Notebook

EVADING CONTROL

THE short report of a recent county court case, *Williams* v. *Mendes and Mendes*, in *Current Law* for September, 1960 (No. 293), suggests a review of some of the decisions on evading—or avoiding—rent control. The circumstances, and the amount of ingenuity displayed, have varied, and I would not say that reconciliation is always easy. In some cases the landlord's object has been to obtain a better return than that permitted by the Rent Acts, the essential object of which is to limit the amount of recoverable rent; in others the object was rather to prevent the tenant from qualifying for statutory security of tenure, conferred as an ancillary to rent restriction itself. Advantage has been taken or been sought to be taken of the exclusion of low-rented properties (Increase of Rent, etc., Restrictions Act, 1920, s. 12 (7)), and of the exclusion of furnished lettings (ibid., subs. (2), proviso (i)): the recent case, as will be seen, dealt with a new device.

Irrecoverable rent

The attempt illustrated by *Rush* v. *Matthews* [1926] 1 K.B. 492 (C.A.), was rather a clumsy one. The permitted rent of a flat was 13s. 6d. a week; the tenant took a fourteen years' lease, but one under which he had a right to give one week's notice to determine it. It reserved an annual rent of £32 5s. payable by equal weekly instalments of 13s. 6d., but the tenant also signed an agreement (not mentioned in the lease) undertaking, in consideration of the grant of the lease, to pay 11s. 6d. weekly " by way of premium." The action was for a week's " premium " and, reversing the judgment of the county court, the Court of Appeal held that (apart from evidence about the negotiations, of which more later) the agreement was void for uncertainty, no reference being made to duration of the liability; it could not be rendered certain without looking at the lease, and the inference was that the two documents *really* referred to rent.

Commuted rent

When *Woods* v. *Wise* [1955] 2 Q.B. 29 (C.A.), was tried, the Landlord and Tenant (Rent Control) Act, 1949, had made premiums required by landlords of controlled premises illegal and recoverable and the tenant sought to recover £850 paid when he took a fourteen years' lease " in consideration of " payment of that sum " and of the rent and covenants hereafter contained." The tenant had an option to break at seven years, and the landlord a right to demand a surrender if application were made for consent to assignment, etc., and in the event of such a surrender being made a portion of the £850 was to be returned " calculated on the basis that the said £850 so paid as aforesaid was commuted rent covering a period of fourteen years." It was held that the payment had not been " required," and this made it unnecessary to consider whether it had been a " premium "; but Lord Evershed, M.R., said, in the course of his judgment: " I cannot for my part think that the arm of the law would be so short as to disable it from dealing appropriately with such a case as that last suggested, if it appeared that the so-called premium was, in truth and in substance, nothing more or other than the rent quantified and provided for in 'an abnormal form.' "

Security of tenure

And not long afterwards the learned Master of the Rolls had occasion to apply this dictum in the case of *Samrose Properties, Ltd.* v. *Gibbard* [1958] 1 W.L.R. 235 (C.A.), an action for possession in which it appeared that the landlords had placed reliance on the low-rental exclusion of s. 12 (7) of the 1920 Act.

The tenant had applied, on a form, for a tenancy of a London flat and accepted an agreement under which he paid the landlords £35 and they agreed to grant him a lease, on being satisfied that the applicant was a suitable tenant, in consideration of the sum of £35 then paid, for one year at £1 a quarter. Completion was to take place a week later. The lease was duly executed, and on the expiration of the year the landlords claimed possession. The tenant, apparently a believer in masterly inactivity, filed a defence saying that the general agreement or its substance was a sham, but did not give evidence in the county court, which decided the point in his favour, and did not appear and was not represented in the Court of Appeal. Nevertheless, upholding the county court judge's decision, Lord Evershed, M.R., made three points: there was the disproportion between arrangements and subject-matter; then, the £35 had not been paid as a consideration for the landlords' agreement to grant the lease, for their agreement was conditional; and lastly, there was no need to allow a week for completion of an already agreed lease.

The conclusion was that the tenant had agreed to pay £39, which was more than two-thirds of the rateable value. Incidentally, it appeared that the permitted rent would have been a little over 6s. 4d. a week, so that it was not only security of tenure which was affected.

Furnished lettings

Before these were subject to control, the defendant in *Maclay* v. *Dixon* [1944] 1 All E.R. 22 (C.A.), took a cottage under an agreement by which he sold some furniture to the landlord, which was to be repurchased by him on the expiration of the tenancy, and which was then included in a quarterly letting. The cottage was a gardener's cottage attached to a house, and both were sold to the plaintiff, who then made a similar agreement with the defendant. Later, the plaintiff gave the defendant notice to quit and the defence to a claim for possession was that the dwelling-house had not been bona fide let at a rent which included payments for the use of furniture so as to make s. 12 (2), proviso (i), of the 1920 Act applicable. It was held that the parties had understood each other perfectly and that the bona fide requirement had thus been satisfied.

Premiums

Myer v. *Mercantile Properties, Ltd., and Fullard* (1960), 175 E.G. 647, is of interest not only because it affords yet another illustration of willingness to compare contents with label but also because it is (I believe) as yet the only reported case in which the Rent Act, 1957, s. 13, has played a part. It is the section which made the requiring, during the next three years, of a premium for a dwelling-house decontrolled by s. 11 illegal, and the premium recoverable.

The facts as far as relevant were that the plaintiff, holding a lease of a block of flats, had sub-let all but one of them to the first defendants and later on negotiated the sale of her interest in that flat (twenty-one years unexpired) to them for £4,000. It then became apparent that an assignment would involve seeking the consent of the ground landlords, and apportionment of the head rent; to avoid which the transaction was carried out by the grant of an underlease for the unexpired residue less three days at £1 a year and in consideration of £4,000. In an action brought against them by the plaintiff the defendants counter-claimed the £4,000 as an illegal premium, the Landlord and Tenant (Rent Control) Act, 1949, s. 2, having been applied to the grant by the Rent Act, 1957, s. 13. It was agreed that an assignment would have been unexceptionable; it is not clear why, but it may be that one or more of the exceptions in s. 2 (4) of the 1949 Act would operate. Donovan, J., then held that the £4,000 had been required as the price of the flat; and that there had been no substitution when the underlease was agreed to, this being merely a convenient way of implementing the agreement.

Candour

It is of some interest to note that in most if not all of these cases the landlord concerned has not been some crafty person attempting to throw dust in the eyes of the tenant, and later on more dust in the eyes of the court. The legal position and the object of the device were carefully explained to the tenant in *Rush* v. *Matthews;* in *Woods* v. *Wise* both parties were foreigners and employed solicitors; in *Samrose Properties, Ltd.* v. *Gibbard* the preliminary agreement stated in so many words that the landlords were unwilling to grant a lease such that the Rent, etc., Restrictions Acts would apply to the premises, and stipulated that the applicant should consult a solicitor who would certify that he had explained the agreement to him; and in *Maclay* v. *Dixon* the object was apparent from the start. But, when form and substance, label and contents, are found to differ, the most engaging frankness will not avail the landlord.

Novel device

Splitting and joining have played their part in some of the cases mentioned; premises have been let together with the use of furniture in order to avoid control, and attempts have been made to divide payments into rent and non-rent. The landlord in *Williams* v. *Mendes and Mendes* appears to have thought of something else: dividing the premises. These were a combined shop and living accommodation, with intercommunication, and the device was to grant separate tenancies, the plaintiff being presumably more concerned about the effect of the Rent Acts than about that of Pt. II of the Landlord and Tenant Act, 1954. As the leases he granted were co-terminous, one might say that his imagination did not carry him as far as it might have; at all events, the premiums paid on successive grants of leases of the shop, and two years' overpayment of rent, were held, on the principle stated in *Samrose Properties, Ltd.* v. *Gibbard*, to be recoverable.

R. B.

LOCAL SEARCH

Dear Sir,

BISHOPS COURT, WILCHESTER

We thank you for your letter of 19th July, and note what you say.

The point you have raised is, frankly, complex and not very interesting. The writer has attempted to discuss it with his colleagues on several occasions since the receipt of your letter. They all agree that it is complex and not very interesting and without exception have said: "Have a look at Bloggs," more properly referred to as "Bloggs on Assignments."

(This letter would normally be written as coming from the nine partners in the firm. In truth, the writer has not seen one of those nine for three years, and has never been introduced at all to two others. He feels that on this occasion he must write to you personally.)

I must say clearly that I have no idea at all of the answer to your problem. You may reasonably protest at this point: "But I thought solicitors knew the law," to which I reply that I am not a solicitor. I am an articled clerk. Indeed, the only reason you will actually receive this letter is because my principal, who would normally sign it, is away for the day, and I intend signing it myself.

You might now suggest: "Why not ask one of the partners?" Only four of the nine really know anything about conveyancing, one of those is on holiday, two would not thank me for troubling them, and the fourth—my principal—who is, incidentally, the only partner who has ever heard of you, is, as I say, away.

Then you say: "Ask your principal to-morrow." This I shall certainly do, but it is doubtful whether he will know. Like most partners, he is a good solicitor, but he does not know all the law. You will find this hard to believe, because it runs contrary to your upbringing and teaching about solicitors. But it is almost certain that when I ask him he will say: "Have a look at Bloggs."

At this you will say triumphantly: "Well, you may not know all the law, but you do know where to look for it."

Bloggs wrote his book on Assignments in 1844, attended to the second edition in 1851, and then died. The book has run to thirty-five editions, thirteen of which were dealt with by Scroggs, eight by Scroggs and Smith, four by Smith alone, one only by Hoggs, whose face apparently did not fit, and the remainder by the present incumbent, Beauchamp-Cholmondeley. Each editor has solemnly declared that, although he has tried to retain the original plan and approach, it has been necessary to rewrite and re-arrange most of the book. In spite of these vicissitudes, the book is still called "Bloggs on Assignments."

Like many other text-books, it is a big book. It has 942 pages of fascinating and informative text and notes. It is, therefore, all the more strange and exasperating that neither I nor, apparently, my colleagues find covered the points that arise to which we do not already know the answers.

In our office one has first to find one's Bloggs. It is never where it should be. One must either trail inquiringly round one's colleagues and the partners or wait until the book reappears somewhere unattended by someone with a prior claim. One is usually forced to inquire.

The first person asked has never heard of Bloggs. The second has heard of him, personally, but thought he wrote

a book on hire purchase. The third person does not listen when you ask and when he replies is thinking of another book entirely. The fourth had Bloggs a fortnight ago but has no idea where it is now. The fifth person asked is genuinely anxious to help. He had Bloggs some time ago and thinks he may still have it (he rarely has). This means a thorough search through a room most of which is hidden, and well hidden, by papers, files and books that other people are looking for, and goes on long after you are satisfied that he does not have your book. If and when it is traced, it is usually found with someone whose work never brings him into contact with assignments. All in all, it is a dispiriting business.

To sum up. I do not know the answer to your problem. It may well be that no one knows the solution. There may be no answer yet revealed to us, in which case you will do me, this firm, the legal profession as a whole, and the community, a service if you will litigate. The court will thus be enabled to tell us the law that was there all the time, and the learned editor of Bloggs will carry your name into posterity by including your case in his next edition.

The nine gentlemen named above await your instructions.

Yours faithfully,

R. S.

HERE AND THERE

PHOBIA

No doubt somewhere in his voluminous works Professor Jung explains convincingly what it is in the collective unconscious of the female that makes the average woman frightened of mice. That fear is hard to account for in any other terms. Mice are proverbially quiet. To speak of a person as "mousy" suggests an almost extravagant degree of harmlessness. The book of nursery rhymes should have convinced every attentive little girl that it was the mice who had much to fear from the ruthless violence of women like the farmer's wife whose carving-knife cut off the tails of the three blind mice. Indeed, so shockingly sadistic was the episode that a modern reformer of infant literature has transformed the narrative into one of three kind mice who were fed by the farmer's now humane wife. Mice have not the sinister grotesqueness of spiders nor the wriggly rawness of worms. They are voracious principally of cheese—a rather comic trait which should revolt no one. It has been suggested that, in the days of long skirts and innumerable petticoats, modest women were apprehensive that a mouse might effect an embarrassing and even indiscreet intrusion into those sacred mysteries, but the raising of the skirt-hem in the last forty years has lifted it beyond the ambition of the most aspiring mouse; and yet in the average female breast this or some deeper, darker terror is still conjured up by the tiny rodent.

MOUSE HOLD UP

Do you doubt that modern girls still have this psychological weakness? It is well enough known to have formed the basis of a recent robbery in Shepherds Bush. In the execution of the design by two lads escaped from an approved school it was essential to shift a shop girl from behind her counter. A razor or a gun might have done the trick with brutal lack of originality, but there was a better, gentler, cleverer way than that, and one just as efficacious; they emptied four white mice out of a paper bag on to the counter and the girl immediately fled from the shop in terror. To a newspaper reporter she subsequently claimed that she had no fear at all of lions or big dogs, but mice, she admitted, terrified her. To the criminal classes this first-hand piece of evidence should come as a relief. As coadjutors in crime, lions, in London at any rate, tend to be conspicuous as well as expensive to maintain. Big dogs too have exacting needs in diet and exercise. But white mice are quiet, discreet, unobtrusive, easily portable and, whatever may be their psychological effect, there is no precedent for holding them to be offensive weapons. It is a considerable advantage to command a technique for robbery without a hint of violence.

ALLIES IN CRIME

MAY I suggest to the robbing classes an even tinier partner in crime, the flea? A box full of fleas opened on the counter of a Bond Street jeweller should instantly scatter alike his staff and his elegant customers effectively enough to facilitate a pretty good snatch. The agile flea might well enjoy crime. There are no flies on fleas. This is not altogether an original idea but only an adaptation of a method once used for emptying a railway carriage on a long train journey. A stranger dropped a wooden box which burst open. He then agitatedly announced that it contained his unique collection of performing fleas. He was instantly left in permanent undisturbed possession of the compartment. Another recent idea for recruiting the less ferocious members of the animal community into the crime wave comes from the United States. It is the more remarkable because hitherto the American criminal has been among the foremost to adopt modern methods, modern weapons, modern transport. Now some original genius has found novelty in a return to the primitive and has invented blackmail by carrier pigeon. On the victim's doorstep is deposited a box containing a homing pigeon, a threatening note and a demand that a named sum of money should be attached to its leg and that it should be released within a certain time. This method is, of course, in its experimental infancy owing to the limits of a carrier pigeon's carrying capacity, but all big ideas have started in a small way.

RICHARD ROE.

Obituary

Mr. CLIFFORD FALLOWFIELD JOHNSON, solicitor, clerk to the justices of the Borough of Blackpool, died on 15th October, aged 62. He was admitted in 1923.

Mr. CHARLES THEODORE LAW-GREEN, solicitor, of Bradford, died on 15th October, aged 69. Admitted in 1913, he was a past president of the Bradford Law Society.

Mr. CLEMENT CRAWLEY ROBINSON, solicitor, of Westminster, died on 15th October, aged 76. He was admitted in 1897.

Mr. ALAN THATCHER, retired solicitor, of Carshalton, Surrey, formerly of London, W.C.2, died on 18th October, aged 90. He was admitted in 1892.

THE LAW SOCIETY'S REGIONAL CONFERENCE

When it was decided to hold a Regional Conference at Hastings, from Friday, 14th October, to Sunday, 16th October, no one knew for certain whether it would appeal to the profession, or how many might be expected to register. It was agreed that the conference should be open to members of all local law societies in Kent, Surrey, Sussex, Middlesex and West London, together with members of the Council and the permanent staff of The Law Society, their ladies and guests. The work of organisation was carried out by a committee drawn from four of the local societies, under the chairmanship of Lady Littlewood. The joint conference secretaries were Messrs. M. C. S. Langdon and D. N. Midmer of Hastings, who were responsible for most of the detailed planning. In the event, the faith and optimism of those concerned were fully justified, the total attendance being nearly 300.

The opening dance, held on the first evening, enabled members and their guests to renew old friendships and to make new ones. It was apparent from the first that the atmosphere was to be one of happy enthusiasm. Members of the local societies were delighted to find that the President of The Law Society, Mr. D. T. Hicks, O.B.E., T.D., D.L., and no less than ten members of the Council were present and many valued the opportunity to make their acquaintance for the first time.

The conference was formally opened on Saturday morning by Lady Littlewood. Those attending were welcomed by the President of the Hastings and District Law Society, Mr. J. M. Baldry, LL.B., who introduced the speaker at the morning session, Mr. J. P. Lawton, B.A., LL.B. Mr. Lawton's subject was "Tax Planning," and he explained some of the steps that a mythical Mr. Foresight might properly and legitimately take, under the guidance of his solicitor, to ease from his own shoulders part of the burden of income tax and surtax and to lessen the inroads of estate duty on the provision he had been able to make for his dependants after his death.

Mr. Lawton gave a lucid account of the intricacies of investment companies, settlements for the benefit of infant children and settlements upon discretionary trusts, and a warning of some of the pitfalls awaiting the unwary in making use of these highly technical schemes.

While this was going on, the ladies were investigating equally technical matters of their own. On the floor above, they listened to an expert talk on the correct use of cosmetics. This being one of those subjects which cannot be learned from books alone, it was not surprising to hear that at least one conference member, meeting his wife at the luncheon table, was seen to blink twice, polish his glasses and take a closer look, with evident satisfaction.

In the afternoon there was another business session, at which Mr. Harold A. Bell dealt in a forthright, practical and often humorous manner with "The Sale of Flats." Mr. Bell spoke from his wide experience in acting for property developers in a variety of projects, large and small, in south-east England.

Telling his audience that maisonnette development was here to stay, at least in urban areas, he came down strongly in favour of the sale of long leasehold interests, rather than "flying freeholds," which he was convinced would leave the profession a host of legal tangles to unravel in the next generation. It was essential to agree the whole scheme in advance, including all plans and the standard form of the documents to be used on future sales, first with the development client, then with the building society or local authority which had undertaken to make loans to prospective purchasers and finally with the Land Registry, with whom the developer's title should be registered at the outset. Mr. Bell gave common-sense advice to his hearers on matters likely to cause trouble, unless dealt with in the paper-work. Who would have suspected, for instance, that tenants might have to be discouraged from picnicking in the communal grounds? Or that the selection, from amongst the tenants, of directors for the residents' association, which in due course would take over the future management, might demand from the solicitor exceptional qualities of diplomacy?

The speaker dealt with several questions and one or two orations from the body of the hall. The member who claimed that in one case his purchasing client had even had his costs paid by the developer was assured that in that case there was probably something wrong with the maisonnette.

On Saturday evening a civic reception and dance was given by the Mayor of Hastings, Alderman C. Barfoot, J.P., in the ball-room of the Queens Hotel. This proved a brilliant and colourful occasion and was greatly enjoyed by the large assembly.

The closing session came all too quickly on Sunday morning. In the first half Mr. E. A. Williams, B.A., achieved a *tour de force* with a rousing and often hilarious address on "Methods of Saving Office Time." His talk followed the lines of articles which have already appeared in this journal and need not be elaborated. Its effect on his audience was electric. Many offices must, by now, be wondering what has hit them since the principals returned from Hastings.

After a short break, the remaining time was devoted to a quiz session, described on the programme as mildly associated with legal topics, and open to ladies and guests. Mr. Dudley Perkins, M.A. (London), acted as question master and his panel consisted of Messrs. A. Bridge (Brighton), D. J. B. Cockshutt, LL.B. (Walton-on-Thames), R. F. Payne (Hull) and R. T. H. Perkins (Hastings). All five were in cracking good form from the start and, between them, had their audience helpless with laughter, as shafts of wit and nuggets of wisdom were tossed back and forth in a veritable battle of flowers.

In the absence of the President of The Law Society, who had been unexpectedly called away, thanks were expressed by Mr. J. W. Girling to Lady Littlewood for so ably undertaking the duties of chairman throughout and by Sir Charles Norton to the conference committee for their unremitting efforts in organising the conference and carrying it to so successful a conclusion.

E. WILLINGS.

"THE SOLICITORS' JOURNAL," 27th OCTOBER, 1860

ON 27th October, 1860, the SOLICITORS' JOURNAL noted the confusion produced by the then system of courts of appeal, saying that courts of appeal "exercise the function of finally deciding all questions arising as to the substance or construction of the law—a function which in countries of unwritten laws borders on the legislative . . . It might be expected, therefore, that the appellate courts would be the chief care in the constitution of a judicial establishment . . . and that their decisions would be received with greater respect and studied with more diligence by the lawyer than those of any other courts. In this country, however, the courts of appeal appear in a very different position. Their constitution in their present form can be traced only to chance and casual expediency. Public attention is seldom called to their action or efficiency; and any question made concerning the amendment of the supreme court of appeal commonly turns upon considerations of a political rather than juridical character . . . Even the judgments of these courts . . . are not found of equal practical utility with those of the inferior courts; and the library of a lawyer in ordinary practice is not deemed incomplete although it does not contain the volumes of the Reports of the House of Lords. The time seems now to have arrived when our courts of appeal should be subjected to the . . . process of criticism and amendment . . . The value of a final judgment as a declaration of law is . . . depreciated, so that it even becomes a question whether it would not be expedient for the House of Lords to exercise the liberty of reviewing its own decisions in order to avoid the alternative of persisting in some erroneous doctrine in which it may have become implicated through the peculiar views entertained by two or three of its learned members."

REVIEWS

Odgers' Principles of Pleading and Practice in Civil Actions in the High Court of Justice. Seventeenth Edition. By BASIL ANTONY HARWOOD, M.A., of the Inner Temple, Barrister-at-Law, Master of the Supreme Court, and GILES FRANCIS HARWOOD, M.A., of the Inner Temple and Western Circuit, Barrister-at-Law. pp. xl and (with Index) 541. 1960. London: Stevens & Sons, Ltd. £2 15s. net.

Since the first edition of this book appeared in 1891 it has been the standby of numerous generations of students and practitioners. It provides a readable guide to civil procedure, a kind of ground-plan of the labyrinthine ways of the White Book, together with a selection of useful precedents for the commoner types of pleadings. Since 1955 its revision has been in the hands of Master Harwood, who has brought it up to date on three occasions. The present edition contains changes in and additions to the law up to May, 1960; that it is only seven pages longer than its predecessor is due to a ruthless weeding-out of inessential references to authority.

The main changes since the last edition in 1957 are those relating to costs: the Supreme Court Costs Rules, 1959, have necessitated a completely new chapter on costs, and this provides an excellent short review of a subject which has now, happily, been simplified and rationalised. So that practitioners may apply for a specific order for costs in cases to which the new general discretion does not apply, there is provided a table of the revoked orders which had specific results in costs. The other principal changes in procedure made since 1957 and dealt with here are in the setting down and listing of actions, assessments of damages and appeals therefrom, judgments by default, and actions on bonds.

Several new precedents have been added, but it is interesting to see that the statement of claim in an action for breach of warranty on the sale of a mare is still retained, while there is no precedent for pleadings in any action relating to a motor car—rather a refreshing omission in a world beset with internal combustion engines, quite a number of them the subject of legal proceedings. This book achieves exactly what it sets out to do, and no doubt this edition will be regarded as an essential reference book both by those practitioners who have used it before and by those who, coming new to the intricacies of civil procedure, are seeking a guide through the forest of the Rules of the Supreme Court.

The Verdict of the Court. Edited by MICHAEL HARDWICK, with an Introduction and Summing-up by the Rt. Hon. LORD BIRKETT, P.C. pp. 198. 1960. London: Herbert Jenkins. £1 1s. net.

After so many collections of famous cases—always the same ones, it seems—masquerading under such various titles as biography, autobiography or memoirs, it is refreshing to meet a book like this which deals with unhackneyed cases of genuine legal interest. Although the trials described here were originally radio scripts for the series of broadcasts of the same name, the scripts have been edited in such a way that they exert very nearly the same fascination on the printed page as they did over the air. Each case has some unusual feature of procedure or substantive law, and while they are set out in such a way that any intelligent layman could appreciate the forensic drama, the legal points are clearly defined both in the text and in the "summing-up" which Lord Birkett provides for each trial. These comments from Lord Birkett, in his usual urbane style, give the book authority without any sort of heaviness: his fairness of mind is such that he can even find it in his heart to modify Macaulay's terrible condemnation of Judge Jeffries, thus redressing a little—but not much—the terrible impact of his conduct of the trial of Lady Alice Lisle, which is one of the most interesting of these reconstructions. But in each case Lord Birkett finds a text for his own inimitable comments on the law; for example, he makes the trial of Penn and Mead in 1670 an opportunity for a brief examination of the history of the English jury, and the trial of Thurtell and Hunt provides him with a peg on which to hang an interesting discussion of the benefits and dangers to a man accused of a felony resulting from the relatively modern privilege of giving evidence in his own defence.

These are not all criminal trials: the first of the Tichborne cases is here, and also *Belt* v. *Lawes*, the last case to be heard by the lawyer barons and also, incidentally, the last to take place in Westminster Hall. But there are two murder trials: that of Thurtell and Hunt in 1823, which gives a wonderful picture of the period, and the trial of the Wainwrights in 1875, conjuring up the stifling atmosphere of the Victorian period, sparked into life by the brilliant defence of Thomas Wainwright by Moody.

Lord Birkett ends his summing-up by welcoming the interest of laymen in the operation of the law, since it produces an enlightened and vigilant public opinion: he calls such interest "a wholesome thing," and so it is when canalised in a book such as this, which is packed with drama but seeks no easy sensationalism, and which excites the mind and the emotions without titillating the baser passions. Those who missed the series on the B.B.C. should remedy their loss by reading this book; those who heard the programmes will want to refresh their memory of the moments of legal history so admirably caught by the broadcasts, and to have the benefit of the play of Lord Birkett's great mind on the curious facets of the law revealed in this most unusual collection of cases.

Trade Union Law. Second Edition. By NORMAN ARTHUR CITRINE, LL.B. (Lond.). With a Foreword by the Rt. Hon. VISCOUNT KILMUIR, G.C.V.O., Lord High Chancellor. pp. xliv and (with Index) 656. 1960. London: Stevens & Sons, Ltd. £5 5s. net.

It is nearly ten years since the first edition of this work made its appearance and in that time some significant legislative changes have been made and there have been many important cases affecting this branch of the law. In view of this, the publication of a second edition of a book which has come to be generally accepted as a standard work is more than justified.

This book should satisfy the needs of both the lawyer and the layman and every facet of the law relating to trade unions has been dealt with. In the interests of economy the Appendices have been reduced by the omission of those statutes which are sufficiently set out in the text, but, apart from this, the work retains its familiar form. There are chapters on restraint of trade and conspiracy and trade interference, and all the statutory provisions relating to trade unions have been carefully considered. In addition to the texts of statutes, the Appendices contain many forms, rules and regulations.

In a foreword to the second edition Viscount Kilmuir says: "Such a complex and vital branch of the law calls for a textbook of the highest quality. Mr. Citrine has carried out the whole task of revision with the same admirable degree of care and learning which distinguished the former edition. All those who have occasion to refer to the law affecting trade unions will be greatly indebted to him for this most valuable work." We would go further and say that it is difficult to see how a person concerned with trade union affairs can afford to be without it.

Latin for Lawyers. Third Edition. pp. viii and (with Index) 287. 1960. London: Sweet & Maxwell, Ltd. £1 15s. net.

This book is intended to enable the reader to acquire a working knowledge of Latin as quickly as possible, and at the same time to become familiar with those maxims and phrases met with in practice and in the leading text-books. It consists of a course in the fundamental principles of Latin, written by Mr. E. Hilton Jackson of the American Bar, in which legal maxims and phrases are used as a basis of instruction, a collection of over eleven hundred Latin maxims, translated and annotated, and a vocabulary.

Possible users of the grammar section who remember anything of their school Latin should perhaps be warned that in giving declensions the author places the accusative case between the dative and the ablative. Try "*hic, haec, hoc*," etc., on this plan. All the familiar rhymes and rhythms are broken up, and the magnificent assertion of the climax in the dative and ablative plural ("*his, his, his, his, his, his!*"), especially fine when rendered by a chorus of twenty or thirty healthy boys, is reduced to ambivalence and enigma. Instead of a Beethoven scherzo we are left with a puzzler by Bartok.

PRACTICE DIRECTIONS

CHANCERY DIVISION

Minutes of Order Drawn by Counsel

The following directions have been given by the judges of the Chancery Division.

1. Where minutes of order have been settled by counsel the registrar should not interfere in any way with the minutes unless it appears to him that they do not carry out the intention of the judge or are defective in form. If the registrar is not satisfied he should refer the minutes back to counsel through the solicitors with his proposed amendments. Should the registrar and counsel be unable to agree the minutes, the matter should be mentioned to the judge.

2. In the case of terms scheduled to a consent order these terms represent an arrangement between the parties, and the registrar is not concerned to approve them, although he may properly offer suggestions upon them if it appears to him that they may cause some difficulty.

W. F. S. Hawkins,
Chief Master,
17*th October*, 1960. *Chancery Division.*

CHANCERY DIVISION

Drawing up of Procedural Orders in Chambers

With effect from Monday, 7th November, 1960, the following procedural orders made in chambers will, unless otherwise directed at the time of making the order, be drawn up by the solicitor entitled to the carriage of the order, passed in the chambers of the master by whom the order was made, and entered by the entry clerk in Room 136 :—

Order adding defendant (5s.).
Order consolidating actions (5s.).
Order XXX directions (5s.).
Order for examination of judgment debtors (10s.).
Order for examination of witnesses (10s.).
Order giving leave to defend (10s.).
Order to deliver interrogatories (5s.).
Order for particulars (5s.).
Order for substituted service (5s.).
Order for transfer of action to county court or district registry (5s.).
Order for appointment of guardian *ad litem* (5s.).
Order for appointment of new next friend (5s.).
Order to set aside writ or originating summons (10s.).
Order for the withdrawal of a solicitor (10s.).
Order for third party directions (5s.).
Order for time (5s.).
Order to discharge or vary order on application by third party (5s.).
Order to dismiss for want of prosecution (10s.).
Order for further discovery (5s.).
Order directing production of documents and inspection (5s.).
Order giving leave to serve out of the jurisdiction (5s.).
Order for issue of letter of request to take evidence abroad (10s.).
Order for appointment of special examiner to take evidence abroad (where no convention) (10s.).
Order for issue between judgment creditor and garnishee (10s.).
Order dismissing summons generally (10s.).

(*Note :* Where any of the above orders marked with a 5s. fee are made on a summons bearing a 10s. stamp, no fee will be payable on the order.)

When a procedural order is made by a master, the solicitor entitled to the carriage of the order will prepare and lodge with the master's summons clerk two engrossments (original and duplicate) of the order as proposed to be passed and entered together with the summons and the evidence on which the order was made. The engrossments *must be typed* on foolscap paper or on printed copies of Form 2 of Appendix K of the Annual Practice. The summons clerk will give the solicitor an appointment to attend before the master's principal clerk to pass the order.

If on the appointment before him the principal clerk is satisfied that the proposed order gives effect to that made by the master he will direct the solicitor having the carriage of the order to stamp one of the engrossments (if a fee is payable on the order). The principal clerk will then add his initials to both copies.

The summons on which the order was made will be numbered serially by the summons clerk and filed in chambers. The serial number of the summons will be inserted in the left-hand margin of the original and duplicate order by the summons clerk. The summons clerk will then enter details of the order in an order book which he will maintain, setting out the following details :—

(*a*) Title of cause or matter.
(*b*) Reference number of proceedings.
(*c*) Date of order.
(*d*) Date of initialling by principal clerk.
(*e*) Serial number of summons.
(*f*) Fee paid (if any).

The necessary statistical entries will also be recorded in the statistical register by the summons clerk.

The summons clerk will transmit any original affidavits lodged in support of the application on which the order was made to the Filing and Record Department of the Central Office.

The order will then be transmitted by the summons clerk to the entry clerk who will enter the order in the same way as orders drawn up in the registrars' office.

The sealed duplicate order will normally be ready for collection from the entry seat on the day following the appointment before the principal clerk at which the order was passed.

Any party who desires to amend the order as entered shall, within four days after service upon him of the order, take an appointment before the principal clerk for this purpose, and shall serve notice of such appointment on the other parties. Without prejudice to the right of a party to adjourn to the master, the principal clerk may, if he thinks proper so to do, refer the question to the master for his decision.

W. F. S. Hawkins,
Chief Master,
17*th October*, 1960. *Chancery Division.*

QUEEN'S BENCH DIVISION

Supreme Court Costs Rules, 1959

Directions for applications for the review of a taxing officer's certificate under r. 35.

1. Every application in the Queen's Bench Division under r. 35 of the Supreme Court Costs Rules, 1959, to review a taxing officer's decision in respect of the taxation of a bill of costs shall be made to a judge nominated by the Lord Chief Justice each term.

2. Every application shall be made by summons to be served within three days after issue and returnable on a day to be appointed by the judge.

3. Every summons must contain full particulars of the item or items or the amount allowed in respect of which the application to review is made.

4. After the issue of the summons the party applying shall forthwith give notice thereof to the taxing officer and on receipt of such notice the taxing officer shall lodge with the chief clerk of the Summons and Order Department of the Central Office the bill of costs, and the objections and answers made and given by the parties respectively at the review of the taxation of the bill of costs by the taxing officer.

5. Each party shall within four days after service of the summons lodge with the chief clerk of the Summons and Order Department the documents produced in evidence by that party at the hearing before the taxing officer relating to the item or items or the amount allowed under review ; and the chief clerk shall then deliver these documents and the summons, objections and answers mentioned in para. 4 to the judge.

6. When appointing a day for the hearing of the summons the judge may decide to exercise his power to appoint two or

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AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

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BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, Factory Valuers and Agents, 71 Bishopsgate, E.C.2. Tel. LONdon Wall 7201 (5 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel. MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

NORTH LONDON

ALFRED SLINN & CO. (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424-5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 1137 (4 lines). See also City of London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HILside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6, and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. Clissold 1802. Also at Brondesbury, N.W.6, and Edgware.

NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/7.

NORTH-WEST LONDON (*continued*)

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BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers, 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2. And at Strand. Tel. TEMple Bar 0525.

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EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.

EDWIN HILL & PARTNERS, Chartered Surveyors, 22 Borough High Street, London Bridge, S.E.1.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

LANG, ROBERT J., LTD. (R. D. Lang, F.R.I.C.S., F.A.I., J. H. Peroux, F.A.L.P.A.), Auctioneers and Surveyors, 8 Thomas Street, Woolwich, S.E.18. WOO 6787/8/9. 1 Central Parade, Catford, S.E.6. HIT 6367/8. Est. 1907.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

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ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN. 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNightsbridge 8846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel. STR 0185/6 & STR 5252.

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FINCH & CO., F.R.I.C.S., F.A.I., 18 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RIChmond 1034 and 5950.

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RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.). Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobisher 2238.

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TAYLOR, LOCKHART & LANG, Auctioneers, Surveyors and Estate Managers. Est. 130 years. (S. S. Lockhart, F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378.

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BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

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DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W.1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (Incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. Jame's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

MULLETT, BOOKER & CO., Estate Agents, Auctioneers, Surveyors and Valuers, 23 Albion Street, Hyde Park, W.2.

WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665/6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel. WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (P. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2416/7183. And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER, SON & CREASEY, Chartered Surveyors, 23 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

Ealing, Hanwell and District.—P. CHASE GARDENER AND CO., Auctioneers, Surveyors, Valuers and Estate Agents, 87 Uxbridge Road, Hanwell, W.7. Tel. EALing 1918.

East Ham.—HAMLETTS' (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0046.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

Hammersmith.—HORTON & WATERS, 310 King Street. Valuations. Survey. Estates Managed. Tel. Riverside 1080 and 4567.

(*continued on p. xiv*)

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel 4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Roach, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, F.R.I.C.S., Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road, Tel. VALentina 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green. Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I. Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Stanmore.—GLOVER of STANMORE, F.V.I., The Broadway (and at Station). Grimsdyke 2241 (5 lines).

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15A St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton.—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9, Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON. Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—Mrs. N. C. TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill, Ascot (Ascot 1666), and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY. Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON, Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS. Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & Sons, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, The Broadway. Tel. 109.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents. 30 High Street. Tel. 2576/7/8/9.

BUCKINGHAMSHIRE (*continued*)

High Wycombe.—HUNT & NASH, F.R.I.C.S., F.A.I., Chartered Surveyors, 15 Crendon Street. Tel. 884.

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

North Bucks.—DOUGLAS STRATFORD & CO. Est. 1890. Bletchley 2201/2. Bedford 66373. Luton 2953.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents, Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON. (Est. 1885.) Auctioneers and Surveyors. 8 Benett Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers. Tel. Birkenhead 1590. And at Liverpool.

Birkenhead and Wirral.—Messrs. JAMES HARLAND, W. J. Harland, F.R.I.C.S., F.A.I., Chartered Surveyor, 46 Church Road, Birkenhead. Tel. 1597/8.

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester.—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors. Valuers, 5 St. Werburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe.—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bidmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A., The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

(*continued on p. xv*)

CORNWALL (*continued*)

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 45 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—**25-mile radius.**—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A., Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO., Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents. Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

Teignmouth, Shaldon, etc.—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

Torquay and South Devon.—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

DORSETSHIRE

Poole, Parkstone, Broadstone.—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

West Dorset.—ALLEN, TAYLOR & WHITFIELD 25 East Street, Bridport. Tel. 2929.

DURHAM

Darlington.—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 4831.

Darlington.—SANDERSON, TOWNEND & GILBERT Chartered Surveyors, 92 Bondgate.

more assessors to sit with him at the hearing, and if the judge does so decide, the chief clerk of the Summons and Order Department shall give notice of the decision to each of the parties and will, in any case, give to each of them notice of the day appointed by the judge for the hearing of the summons.

7. If the judge decides to appoint assessors the party applying shall within four days after the receipt of notice thereof lodge with the chief clerk of the Summons and Order Department two or more copies, as the case may be, of the summons, objections and answers mentioned in para. 4 for the use of the assessors.

8. When each of the assessors has signified his acceptance of his appointment the chief clerk of the Summons and Order Department shall send to each of them the notice of his appointment including the day appointed for the hearing of the summons and a copy of the documents mentioned in para. 7.

10th October, 1960. PARKER OF WADDINGTON, C.J.

MENTAL HEALTH ACT, 1959

Pursuant to para. (*d*) of s. 103 (1) of the Act, I direct that the powers conferred by the said paragraph shall not be exercisable except by the Lord Chancellor or a nominated judge unless by reason of the amount involved or the circumstances generally of the case unreasonable expense or delay would be caused.

13th October, 1960. HAROLD DANCKWERTS.

IN WESTMINSTER AND WHITEHALL

STATUTORY INSTRUMENTS

Argyll County Council (Loch Lossit, Islay) Water Order, 1960. (S.I. 1960 No. 1874 (S.95).) 5d.

Brighton Corporation Water (Aldrington) Order, 1960. (S.I. 1960 No. 1857.) 5d.

Carlisle Water Order, 1960. (S.I. 1960 No. 1872.) 8d.

East Suffolk and Norfolk River Board (Alteration of Boundaries of the Upper Yare and Tas Internal Drainage District) Order, 1960. (S.I. 1960 No. 1864.) 5d.

Firemen's Pension Scheme Order, 1960. (S.I. 1960 No. 1848.) 5d.

London Traffic (Prescribed Routes) (Holborn) (No. 2) Regulations, 1960. (S.I. 1960 No. 1854.) 5d.

London Traffic (Prohibition of Cycling on Footpaths) (Hornchurch) Regulations, 1960. (S.I. 1960 No. 1842.) 5d.

London Traffic (Prohibition of Cycling on Footpaths) (Potters Bar) Regulations, 1960. (S.I. 1960 No. 1843.) 5d.

London Traffic (Prohibition of Waiting) (Slough) (Amendment) Regulations, 1960. (S.I. 1960 No. 1855.) 5d.

Staffordshire Potteries Water Board Order, 1960. (S.I. 1960 No. 1847.) 5d.

Stopping up of Highways Orders, 1960:—

County of Derby (No. 17). (S.I. 1960 No. 1859.) 5d.

County of Derby (No. 18). (S.I. 1960 No. 1858.) 5d.

London (No. 56). (S.I. 1960 No. 1850.) 4d.

County of Northampton (No. 5). (S.I. 1960 No. 1851.) 5d.

County of Northampton (No. 6). (S.I. 1960 No. 1852.) 5d.

County Borough of Rotherham (No. 2). (S.I. 1960 No. 1844.) 5d.

County of Sussex, West (No. 4). (S.I. 1960 No. 1853.) 5d.

County of York, East (No. 1). (S.I. 1960 No. 1845.) 5d.

Wages Regulation (Rope, Twine and Net) Order, 1960. (S.I. 1960 No. 1870.) 11d.

Wages Regulation (Tin Box) (No. 2) Order, 1960. (S.I. 1960 No. 1871.) 6d.

SELECTED APPOINTED DAYS

October

19th — Wages Regulation (Ready-made and Wholesale Bespoke Tailoring) Order, 1960. S.I. 1960 No. 1811.)

26th — Israel (Extradition) Order, 1960. (S.I. 1960 No. 1660.)

31st — Agriculture (Areas for Agricultural Land Tribunals) (Amendment) Order, 1960. (S.I. 1960 No. 1885.)

November

1st — County Court (Amendment) Rules, 1960 (S.I. 1960 No. 1275 (L.147)), remainder.

Court of Protection Rules, 1960. (S.I. 1960 No. 1146 (L.7).)

Criminal Appeal Rules, 1960. (S.I. 1960 No. 2161 (L.11).)

Magistrates' Courts Rules, 1960. (S.I. 1960 No. 1431 (L.16).)

Matrimonial Causes (Amendment) (No. 2) Rules, 1960. (S.I. 1960 No. 1261 (L.11).)

Meat (Staining and Sterilization) Regulations, 1960. (S.I. 1960 No. 1268.)

Mental Health (Hospital and Guardianship) Regulations, 1960. (S.I. 1960 No. 1241.)

Mental Health (Registration and Inspection of Mental Nursing Homes) Regulations, 1960. (S.I. 1960 No. 1272.)

Mental Health Review Tribunal Rules. (S.I. 1960 No. 1139.)

National Assistance (Registration of Homes) (Amendment) Regulations, 1960. (S.I. 1960 No. 1273.)

National Health Service (Functions of Regional Hospital Boards, etc.) Amendment Regulations, 1960. (S.I. 1960 No. 1240.)

National Health Service (Superintendents of Mental Hospitals, etc.) Regulations, 1960. (S.I. 1960 No. 1239.)

Rules of the Supreme Court (No. 3), 1960. (S.I. 1960 No. 1263 (L.13).)

BOOKS RECEIVED

The Estates Gazette Digest of Land and Property Cases, 1959. Compiled and Edited by PETER ASH, M.A., of the Inner Temple, Barrister-at-Law. pp. xi and (with Index) 376. 1960. London: The Estates Gazette, Ltd. £4 5s. net.

Kerly's Law of Trade Marks and Trade Names. Eighth Edition. By R. G. LLOYD, C.B.E., M.A.(Cantab.), B.Sc.(Lond.), J.P. pp. lxiv and (with Index) 704. 1960. London: Sweet & Maxwell, Ltd. £7 7s. net.

Principles of Local Government Law. By Sir IVOR JENNINGS, K.B.E., Q.C., Litt.D., LL.D. Fourth Edition by J. A. G. GRIFFITH, LL.M., Professor of English Law in the University of London, of the Inner Temple, Barrister-at-Law. pp. xxii and (with Index) 316. 1960. London: University of London Press, Ltd. 18s. net.

Miscarriages of Justice. By C. G. L. DU CANN, Barrister-at-Law. pp. (with Index) 276. 1960. London: Frederick Muller, Ltd. £1 1s. net.

The Union of South Africa. The Development of its Laws and Constitution. The British Commonwealth Series, vol. 5. By H. R. HAHLO, LL.B., Dr.Jur., and ELLISON KAHN, B.Com., LL.B., under the General Editorship of GEORGE W. KEETON. pp. xxx and (with Index) 900. 1960. London: Stevens & Sons, Ltd. South Africa: Juta & Co., Ltd. £4 10s. net.

Gatley on Libel and Slander. The Common Law Library, No. 8. Fifth Edition. By RICHARD O'SULLIVAN, Q.C., assisted by ROBERT L. MCEWEN, of the Inner Temple, Barrister-at-Law. With a Foreword by the Rt. Hon. Sir PATRICK DEVLIN. pp. cxiv and (with Index) 820. 1960. London: Sweet & Maxwell, Ltd. £7 7s. net.

NOTES OF CASES

The Notes of Cases in this issue are published by arrangement with the Council of Law Reporting, and, in general, full reports will be found in the Weekly Law Reports. Where possible the appropriate page reference is given at the end of the note.

Judicial Committee of the Privy Council

ESTATE DUTY: BARBADOS: SETTLEMENT: WHETHER SETTLOR "COMPETENT TO DISPOSE" OF SETTLED PROPERTY

Commissioner of Estate and Succession Duties (Barbados) *v.* Bowring

Lord Reid, Lord Cohen and Lord Keith of Avonholm

27th July, 1960

Appeal from the Federal Supreme Court of the West Indies (Barbados).

A donor, by a deed governed by the law of Massachusetts, gave property to trustees upon trusts which, as amended by a further deed, were "to pay the net income to the donor from time to time as long as she shall live, together with such parts of principal as the trustees in their uncontrolled discretion shall deem advisable for the comfort and support of the donor." The deed then provided that after the donor's death the trustees were to hold the trust property on substantially similar trusts for the donor's son. The deed, as amended, contained a clause providing that "the donor during her lifetime shall have the right at any time or times to amend or revoke this trust, either in whole or in part, by an instrument in writing, provided, however, that any such amendment or revocation shall be consented to in writing by the trustees." The relevant law of Massachusetts provided that the courts of that State would not control the trustees under such a deed in the exercise of their power to consent or refuse consent if they acted honestly and not from an improper motive; the nature of the power was, under such a deed, similar under that law to a power to appoint among several beneficiaries. At the date of the donor's death she was domiciled in Barbados. The appellant's predecessor served assessment of death duties under the Barbados Estate and Succession Duties Act, 1941, on the respondent, one of the donor's executors; this assessment included a sum alleged to be payable in respect of estate duty on the trust property. The respondent appealed against the assessment. The appellant appealed to the Judicial Committee against the decision of the Federal Supreme Court of the West Indies (Barbados) that estate duty was not payable in respect of the trust property.

LORD COHEN, giving their lordships' judgment, said that the question for the decision of the Board was whether the donor was at the date of her death "competent to dispose" (within the meaning of that phrase in the Act) of the trust property. Section 3 of the Act provided: "For the purposes of this Act—(*a*) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property, including a tenant in tail whether in possession or not; and the expression 'general power' includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument *inter vivos* or by will, or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or exercisable as mortgagee . . ." This paragraph was substantially identical with s. 22 (2) (*a*) of the Finance Act, 1894. By s. 6 of the Barbados Act, estate duty was payable on all property passing on a person's death, and by s. 7 (*a*) of the Act property of which the deceased was at the time of his death competent to dispose was deemed to pass on his death. Their lordships drew assistance from *In re Churston Settled Estates* [1954] Ch. 334. They were satisfied that upon the true construction of s. 3 (*a*) of the Act a person could not be said to have a general power making him competent to dispose of property within the meaning of that paragraph if the consent of the trustees was required to the exercise of that power, and that provision was so framed that the court would not control the trustees in the exercise of the power if they acted honestly and did not act from an improper motive. The Act was a taxing Act, and their lordships would not be justified in giving to the words used an extension of meaning which they would not naturally bear. The appeal would therefore be dismissed with costs.

APPEARANCES: *Peter Foster*, Q.C., and *Raymond Walton* (*Charles Russell & Co.*); *J. S. B. Dear* (West Indies) (*Durrant, Cooper & Hambling*).

[Reported by GROVE HULL, Esq., Barrister-at-Law] [3 W.L.R. 741

CRIMINAL LAW: MURDER: *NOLLE PROSEQUI*: SUBSEQUENT TRIAL ON NEW INFORMATION WITHOUT FRESH INQUIRY AND COMMITTAL

Poole *v.* R.

Lord Tucker, Lord Denning and Lord Morris of Borth-y-Gest

5th October, 1960

Appeal from the Court of Appeal for Eastern Africa.

The appellant, Peter Harold Richard Poole, who had been committed for trial by a magistrate on a charge of the murder by shooting of Kamawe Musunge, an African house boy, was arraigned before the Supreme Court of Kenya on the charge on 30th November, 1959, on an information signed on behalf of the Attorney-General. After Crown counsel had opened the case, and before the first witness was called, one of the jury stated that he had a conscientious objection on religious grounds to giving a verdict in the case. After an adjournment of about three hours Crown counsel, on resumption of the court, entered a *nolle prosequi* and at the same time handed in a fresh information, which had been signed during the adjournment by the acting senior Crown counsel on behalf of the Attorney-General, charging the appellant with murder in the same terms as the first information. The appellant, having been immediately discharged in respect of the charge for which the *nolle prosequi* had been entered, was thereupon served with the new information, on which he was tried and convicted on 10th December, 1959, in the Supreme Court of Kenya before Sinclair, C.J., and a jury. His appeal to the Court of Appeal for Eastern Africa was dismissed on 21st March, 1960. He now appealed, his main ground being that on the true construction of s. 82 of the Kenya Criminal Procedure Code the entry of the *nolle prosequi* brought the prosecution to an end, subject always to the right of the Crown to start another prosecution against him *de novo* by re-arresting him and taking him again before a subordinate court with a view to a fresh committal for trial. A further ground of appeal was that part of the trial—the demonstration by a prosecution witness of certain positions and distances—had taken place outside the court room in his absence, though they were immediately repeated in his presence, but in an abridged form.

LORD TUCKER, giving the reasons for dismissing the appeal on 28th July, said that the opening words of s. 82 of the Code made it clear that a *nolle prosequi* might be entered at different stages, and before an information had been signed. On the proper construction of the section the only proceedings which were discontinued as a result of the entering of the *nolle prosequi* were the proceedings under the information in respect of which it was entered, and if the second information

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(*continued on p. xvii*)

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took effect from the date of the signature it was not rendered invalid by the existence at that moment of the former information. If, on the other hand, the second information only took effect when filed, it was valid from that moment and unaffected by the entry of the *nolle prosequi* in respect of the first information: *R.* v. *Noormahomed Kanji* (1937), 4 E.A.C.A. 34; *Sey* v. *R.* (1950), 13 W.A.C.A. 128. Further, while the Code recognised no such plea as autrefois arraign, and there was nothing in the Code which expressly prohibited or authorised the existence at the same time of two informations against the same person for the same offence on the same facts, such a situation was not inherently bad at common law, though the court would not allow an accused to be tried on both indictments: *R.* v. *John Swan and Elizabeth Jefferys* (1751), Foster's Crown Cases 104; *R.* v. *Stratton* (1779), 1 Doug. K.B. 239; *R.* v. *Dunn* (1843), 1 Car. & K. 730; *R.* v. *Mitchell* (1848), 3 Cox C.C. 93. Accordingly, the second information was not inherently bad by reason of the pendency of the earlier one for the same offence against the appellant on the same facts. Lastly, the appellant's presence throughout the trial was not an absolute requirement necessarily going to the root of the conviction; in the circumstances he had been in no way prejudiced by the incident, which was curable under s. 381 of the Code.

APPEARANCES: *F. H. Lawton*, Q.C., and *Harold Cassel* (*Merriman, White & Co.*); *L. G. Scarman*, Q.C., *J. G. Le Quesne* and *K. C. Brookes* (*Charles Russell & Co.*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law] [3 W.L.R. 770

WORKMEN'S COMPENSATION: COMPANY: ACCIDENT TO GOVERNING DIRECTOR WHILE EMPLOYED BY COMPANY: WHETHER SERVANT OF COMPANY

Lee *v.* Lee's Air Farming, Ltd.

Viscount Simonds, Lord Reid, Lord Tucker, Lord Denning and Lord Morris of Borth-y-Gest. 11th October, 1960

Appeal from the Court of Appeal of New Zealand.

The appellant's husband, G. W. Lee, who had formed the respondent company, Lee's Air Farming, Ltd., for the purpose of carrying on the business of aerial top-dressing, was the controlling shareholder of the company, and was by its articles of association appointed governing director and employed at a salary as its chief pilot. In his capacity as governing director and controlling shareholder he exercised full and unrestricted control over all the operations of the company. Pursuant to its statutory obligations the company had insured itself against liability to pay compensation in the case of accident to him. While he was piloting an aircraft belonging to the company in the course of aerial top-dressing on 5th March, 1956, the aircraft crashed and he was killed. The appellant, Catherine Lee, claimed against the respondent company £2,430 compensation on behalf of herself and her four infant children, alleging that at the time of the accident her husband was a "worker" employed by the company within the meaning of the Workers' Compensation Act, 1922, of New Zealand, as amended, which by s. 3 (1) provided that if "personal injury by accident arising out of and in the course of the employment is caused to a worker, his employer shall be liable to pay compensation," and by s. 2 defined "worker" as "any person who has entered into or works under a contract of service . . . with an employer . . . whether remunerated by wages, salary, or otherwise." The Court of Appeal of New Zealand, on a case stated, held on 18th December, 1958, that the deceased could not hold the office of governing director of the company and also be a servant of the company. The appellant appealed.

LORD MORRIS OF BORTH-Y-GEST, giving the judgment, said that the deceased's position as sole governing director did not make it impossible for him to be a servant of the company in the capacity of chief pilot, for he and the company were separate and distinct legal entities which could enter, and had entered, into a valid contractual relationship, which was not invalidated by the circumstance that the deceased was sole governing director in whom was vested the full government and control of the company and also the controlling shareholder. They were separate legal entities also so as to enable the company to give orders to the deceased. One person might function in dual capacities, and acting in one capacity give orders to himself in another capacity. The contractual relationship was that of master and servant, and a contract of service was entered into and operated and the deceased was a "worker" within the statutory definition. (Reference was made to *Salomon* v. *Salomon & Co.* [1897] A.C. 22, *Inland Revenue Commissioners* v. *Sansom* [1921] 2 K.B. 492, and *Fowler* v. *Commercial Timber Co., Ltd.* [1930] 2 K.B. 1.) The case of *Brown* v. *Okiwi Farms, Ltd.* [1957] N.Z.L.R. 1073, must be regarded as turning on its own facts. Appeal allowed. The respondent company must pay the costs before the Board and in the Court of Appeal and the Compensation Court.

APPEARANCES: *A. C. Perry* (New Zealand) and *J. G. Le Quesne* (*Blyth, Dutton, Wright & Bennett*); *Martin Jukes*, Q.C., and *J. H. C. Goldie* (*Goldingham, Wellington & Co.*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law] [3 W.L.R. 758

Chancery Division

CONTEMPT OF COURT: PASSING OFF: TRADE MARKS: PENDING ACTIONS: LETTERS STATING THAT DEFENDANTS ENTITLED TO TRADE MARKS: WHETHER CONTEMPT

Carl-Zeiss-Stiftung *v.* Rayner & Keeler, Ltd., and Others

Russell, J. 29th July, 1960

Motions.

In 1955, an East German corporation brought an action against a West German corporation to restrain it from using certain names in connection with its business or goods and from passing off its business or goods as those of the East German corporation. In 1960, an English company, which marketed the goods of the East German corporation, began proceedings to have certain trade marks registered in the name of the West German corporation taken off the Register of Trade Marks. In June, 1960, the solicitors to the West German corporation wrote two letters, each of which contained two statements: (1) that the East German corporation had no right to use a particular trade mark, and (2) that the West German corporation had that right, being the registered proprietor of the trade mark. Neither letter contained any reference to the fact that there were pending proceedings in which those statements were being challenged. Each letter was sent to a person connected with or engaged in the same trade as the East German and West German corporations. The plaintiff and applicant in the respective proceedings asked for an injunction to restrain the West German corporation and its solicitors from making representations similar to those contained in the two letters, and generally from making any representations calculated to prejudice the fair trial of the proceedings.

RUSSELL, J., said that these letters and others like them could only be contempt of court if they were prejudicial to the current proceedings as being intended or likely to deter or discourage witnesses from giving evidence in favour of the plaintiff or applicant in the respective proceedings. It was of the first importance in the administration of justice that parties to litigation should not be in any way hampered in the prosecution of their claims or the putting forward of their contentions; but a finding of contempt must be based on a

solid view of the likelihood of interference and not upon fanciful notions of the susceptibility of the recipients of the letters. Having regard to all the facts in the present case, the letters were not to be regarded as contempt of court in relation to the pending proceedings.

APPEARANCES: *Guy T. Aldous*, Q.C., and *D. W. Falconer* (*Courts & Co.*); *T. M. Shelford*, *John W. Mills* and *R. G. Lloyd* (*Dehn & Lauderdale*).

[Reported by Miss V. A. MOXON, Barrister-at-Law] [1 W.L.R. 1145

VARIATION OF TRUSTS: VARIATION OF INVESTMENT CLAUSE

In re Thompson's Will Trusts

Cross, J. 5th October, 1960

Adjourned summons.

Two applicants, being beneficially interested under the trusts of the will of a deceased testator, applied to the court to approve an arrangement under s. 1 of the Variation of Trusts Act, 1958, on behalf of an infant respondent and of all persons unborn or unascertained who might become entitled to an interest under the trusts affecting the residuary estate of the testator. The draft arrangement was that the powers of investment conferred on the trustees for the time being of the will of the testator in respect of his residuary real and personal estate be revoked, and that the trustees should henceforth have power to invest these moneys "(*a*) in any investments which are from time to time authorised by law for the investment of trust funds or (*b*) in any investments of whatsoever nature which at the date of purchase are or will upon allotment be dealt in or quoted upon any of the following stock exchanges, that is to say, the London, Liverpool, Manchester, Birmingham, Edinburgh, Glasgow, New York, Montreal, Paris, Amsterdam, Zurich and Johannesburg stock exchanges including the over-the-counter markets in New York and Montreal. Provided always as follows: (i) No money shall be invested in the government securities of any foreign country except the United States of America or any State thereof or in the securities of any provincial municipal or other local government or public board or authority in any foreign country except as aforesaid; and for this purpose a foreign country means a country which is neither part of Her Majesty's dominions nor comprised in the British Commonwealth of Nations. (ii) No moneys shall be invested in any partly paid shares; but this prohibition shall not apply to the partly paid shares of any company incorporated in the United Kingdom carrying on banking or insurance business in the United Kingdom and shall not prevent an application for and part payment in respect of shares offered for subscription to the public if the terms of issue are such that such shares or the stock representing the same will be fully paid within nine months from the date of allotment. (iii) No money shall be invested in the ordinary or deferred shares or stock of any company unless at the time of investment such company shall have a paid-up capital of £500,000 at least or its equivalent at the rate of exchange current at the date of investment and so that in the case of a company having shares of no par value such paid-up capital shall be deemed to include the capital sum (other than capital surplus) appearing in the company's published accounts in respect of such shares; but this prohibition shall not prevent an application for and payment in respect of shares offered for subscription to the public if the full subscription for such shares would cause the paid-up capital of the company concerned to amount to £500,000 at least or such other equivalent as aforesaid."

CROSS, J., said that he was prepared to make an order in the terms asked for.

APPEARANCES: *B. L. Bathurst*, Q.C., and *Christopher Slade*, *W. J. C. Tonge*, *James Cunliffe*, *E. F. R. Whitehead*, *Eric Griffith* (*Payne, Hicks Beach & Co.*).

[Reported by Miss PHILIPPA PRICE, Barrister-at-Law] [1 W.L.R. 1165

COMPANY: WINDING UP: PETITION ABANDONED: COSTS

In re Royal Mutual Benefit Building Society

Pennycuick, J. 10th October, 1960

Petition.

A member of a building society who presented a petition to have the society wound up by the court failed to comply with r. 33 of the Companies (Winding Up) Rules, 1949. Subsequently he notified the society that he did not intend to proceed further with the petition. The petitioner did not attend at the hearing of the petition, but the society appeared and asked for an order dismissing the petition with costs against the petitioner.

PENNYCUICK, J., said that the society had the right to be represented by counsel at the hearing of a petition for the winding up of the society. Further, the society had the right to an order for costs where the petition was unsuccessful, whether on the ground of non-compliance with the requirements of r. 33 or for any other reason. The final sentence of r. 33 meant no more than that no order should be made in favour of any petitioner who had not complied with the rule, and did not protect a petitioner from an order for costs where the petition was unsuccessful.

APPEARANCES: *R. A. K. Wright* (*Lewis & Dick*).

[Reported by Miss V. A. MOXON, Barrister-at-Law] [1 W.L.R. 1143

Probate, Divorce and Admiralty Division

HUSBAND AND WIFE: NULLITY: JURISDICTION: MARRIAGE CELEBRATED IN ENGLAND: VOIDABLE MARRIAGE

Ross Smith (otherwise Radford) *v.* Ross Smith

Karminski, J. 24th June, 1960

Issue.

A wife petitioned for a decree of nullity of marriage, on the ground of wilful refusal by the husband to consummate the marriage and, in the alternative, on the ground of the husband's incapacity. The marriage was celebrated in England. At the time of the institution of the suit, the wife was resident in England but the husband was not and was at all material times domiciled in Scotland. An issue was directed to be tried, to determine whether the court had jurisdiction to hear the suit.

KARMINSKI, J., said that as the husband, at the time the petition was presented, was neither domiciled in England nor resident there, the jurisdiction of the English courts could not be invoked on the grounds of either domicile or residence. Where the petition for nullity was based on any cause which would render the marriage void *ab initio*, the court of the *lex loci celebrationis* had jurisdiction to try the suit. The mere fact that the ceremony of marriage took place in England, however, did not confer jurisdiction on English courts unless the validity of the ceremony in effecting a marriage was disputed. Capacity to consummate the marriage could not be said to affect the validity of the ceremony. Wilful refusal to consummate was even more remote from the validity of the ceremony. In the result, the court had no jurisdiction to try the suit. Order accordingly.

APPEARANCES: *F. S. Laskey* (*Gibson & Weldon*, for *Frederick Gowen & Stevens*, Croydon); *S. K. D'A. de Ferrars* (*Smith & Hudson*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law] [3 W.L.R. 753

Wills and Bequests

Mr. JAMES MASON MARTIN, solicitor, of Ipswich, left £144,088 net. He left £1,200 2½ per cent. Treasury Bonds to be used for six annual prizes at Framlingham College.

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Master and Servant—Damages for Loss of Service—Cost of Temporarily Replacing General Manager

Q. *X*, the general manager of company *A*, while driving a car belonging to company *A*, on the company's business, is injured as a result of a collision with *B*. The responsibility for the accident is entirely *B's*. *X* is absent from his employment for fourteen days. Company *A* is a subsidiary of company *C*, but operates quite independently. Company *A* paid to *X* his normal wages during his fortnight's absence, but, having no spare man to take his place, was supplied by company *C* with a replacement temporary general manager. Company *A* will pay to company *C* the sum of £45 9s. wages and expenses incurred by company *C* in the provision of this general manager. Can company *A* claim from *B* the cost of this replacement man? *B's* insurers have admitted responsibility for the hiring of a replacement car, but claim that the replacement for loss of service is too remote. Had company *A* not paid to *X* his wages, he would have been entitled to claim these as special damages. Are *B's* insurers right in their claim that the money paid by company *A* to company *C* for the services of the replacement man is too remote?

A. Although we have been unable to find any authority directly in point, it would seem to be clear that a master may recover damages for loss of services attributable to personal injuries occasioned by the wrongful act of a third party only where the servant renders services in the household or comes within the definition of a domestic servant, and therefore that company *A* cannot claim from *B* the cost of the replacement temporary general manager: see Halsbury's Laws of England, 3rd ed., vol. 25, p. 558, and Salmond on Torts, 12th ed., pp. 607–610. Cf. *Martinez* v. *Gerber* (1841), 3 Man. & G. 88, as explained in *A.-G. for New South Wales* v. *Perpetual Trustee Co., Ltd.* [1955] A.C. 457, and *Inland Revenue Commissioners* v. *Hambrook* [1956] 2 Q.B. 641. It should be noted that in *Hambrook's* case Denning, L.J. (as he then was), doubted whether an action for loss of services—it would appear that any claim by company *A* must be made on this ground—could lie at the instance of a limited company.

Road Traffic—Defence of Inevitable Accident—Passenger Taken Ill

Q. We act for a person whose vehicle was damaged in a collision in respect of which the other side are pleading the defence of inevitable accident. The circumstances alleged are that the other driver's small son was taken ill without warning and clutched his father, causing him to lose control over his vehicle and collide with our client's vehicle. We have not discovered any English civil case law on this point, and the Commonwealth cases, whilst rebutting negligence, appear to suggest a distinction between circumstances where the driver loses consciousness and those where he does not but a passenger is taken ill. The facts, as to the child's age, the nature of his illness and consequently the degree to which the driver was taken by surprise, are being established, but assuming that these do not assist in clearly proving negligence, what is the law on this point and can any cases be cited? Are we correct in assuming that no breach of statutory duty is involved?

A. In principle there would appear to be no reason why inevitable accident should not afford a sufficient defence to your client's claim but we, too, have been unable to find any English civil case law directly in point. The all-important question would seem to be whether it can be "established that the driver of the car was guilty of negligence" (per Greene, M.R., in *Browne* v. *De Luxe Car Services* [1941] 1 K.B. 549) and we think that it could be contended that the clutching of the child was the equivalent to a blow from a stone or an attack by a swarm of bees: see the judgment of Lord Goddard, C.J., in *Hill* v. *Baxter* [1958] 1 Q.B. 277. See also *Ryan* v. *Youngs* [1938] 1 All E.R. 522, *The Saint Angus* [1938] P. 225, and "Sudden Illness while Driving," p. 374, *ante*. We agree that no breach of statutory duty is involved.

Redemption of Rents—Rent Charge Created out of Leasehold Land upon Grant of Building Lease—Application of Law of Property Act, 1925, s. 191

Q. Instructing solicitors' client proposes to obtain a rent of £*x* per annum issuing out of leasehold premises. The rent charge will be created upon a grant of a building lease. The rent service payable under the lease will be reserved in favour of the freeholders and the lessee will create a rent charge of £*x* in favour of the builder-developer, who will also be joined in the building lease for this purpose. Three points arise: (*a*) Are the provisions of the Law of Property Act, 1925, s. 191, overriding, or, notwithstanding subss. (4) and (11), can the building lease contain covenants by the lessee contracting out of the redemption provisions of this section? (*b*) In the event of the rent charge being created out of the leasehold land upon the grant of the building lease in the circumstances outlined above, does the rent charge in fact become ". . . a rent reserved by a lease . . ." within subs. (12) of this section and thus in any event outside the provisions of the section? (*c*) In the event of the possibility of contracting out of s. 191, would the assignees of the building lease be equally bound thereby or would they be free to operate the redemption provisions of s. 191 on the grounds that those covenants did not attach to or run with the land?

A. In our opinion: (*a*) The provisions of the Law of Property Act, s. 191, cannot be excluded by undertakings given by the lessee; s. 191 (5) is peremptory. (*b*) No. As we understand the proposal the rent will not be *reserved* by the lease but will be granted by the lessee to someone who is not a reversioner. (*c*) This question does not arise.

Title—Assent by Administrators in Favour of Widow—Evidence of Entitlement

Q. We are involved in a matter where a title includes an assent by administrators in favour of a widow. The deceased, namely, the husband of the widow, left a widow and children and died quite recently so that the entitlement of the widow would appear to be the sum of £5,000, together with a life interest in half the residue and to the personal chattels. The assent consists of an assent absolutely in favour of the widow of real property of an extent considerably more than £5,000 in value. We have asked for evidence that a proper deed of appropriation and family arrangement was made, possibly in commutation of the widow's life interest in half the estate residue, because it appears to us that the purchasers are placed on inquiry, having regard to the figures shown on the face of the act of intestacy grant, and their knowledge of the law on the subject of rights intestate to the estate; in other words they realise that the widow has had assent in her favour, of assets to a greater value than are normally passed to her. We seem to have read somewhere that it is the duty of the purchasers in these circumstances to regard themselves as under an obligation to verify that a proper deed of appropriation and arrangement was in fact made, either commuting the life interest or arriving at some arrangement under which the widow took more than that to which she was entitled, and that the appropriate stamp duty was paid. We can find no authority on this point either in Emmet or in the Encyclopaedia of Forms and Precedents.

A. We are not aware of any authority on this point and opinions may differ. Our view is that if the vendor refuses to produce the evidence of the entitlement of the widow to have the assent in her favour then you will not be able to compel her to do so. A personal representative may assent to a person who is entitled by appropriation or otherwise (Administration of Estates Act, 1925, s. 36 (1)), and the assent is sufficient evidence that such person is entitled to the legal estate (ibid., s. 36 (7)). We are aware that it is not conclusive evidence (*Re Duce and Boots Cash Chemists* [1937] Ch. 642) but in the present instance on proper investigation there is nothing to suggest that the assent is improper and so we think the purchaser cannot insist on looking behind it. Compare the remarks in Emmet on Title, 14th ed., vol. 2, p. 473.

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Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

Coventry.—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Rugby and District.—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street Tel. 3399/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyor 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all

Master and Servant—Damages for Loss of Service—Cost of Temporarily Replacing General Manager

Q. *X*, the general manager of company *A*, while driving a car belonging to company *A*, on the company's business, is injured as a result of a collision with *B*. The responsibility for the accident is entirely *B's*. *X* is absent from his employment for fourteen days. Company *A* is a subsidiary of company *C*, but operates quite independently. Company *A* paid to *X* his normal wages during his fortnight's absence, but, having no spare man to take his place, was supplied by company *C* with a replacement temporary general manager. Company *A* will pay to company *C* the sum of £45 9s. wages and expenses incurred by company *C* in the provision of this general manager. Can company *A* claim from *B* the cost of this replacement man? *B's* insurers have admitted responsibility for the hiring of a replacement car, but claim that the replacement for loss of service is too remote. Had company *A* not paid to *X* his wages, he would have been entitled to claim these as special damages. Are *B's* insurers right in their claim that the money paid by company *A* to company *C* for the services of the replacement man is too remote?

A. Although we have been unable to find any authority directly in point, it would seem to be clear that a master may recover damages for loss of services attributable to personal injuries occasioned by the wrongful act of a third party only where the servant renders services in the household or comes within the definition of a domestic servant, and therefore that company *A* cannot claim from *B* the cost of the replacement temporary general manager: see Halsbury's Laws of England, 3rd ed., vol. 25, p. 558, and Salmond on Torts, 12th ed., pp. 607–610. Cf. *Martinez* v. *Gerber* (1841), 3 Man. & G. 88, as explained in *A.-G. for New South Wales* v. *Perpetual Trustee Co., Ltd.* [1955] A.C. 457, and *Inland Revenue Commissioners* v. *Hambrook* [1956] 2 Q.B. 641. It should be noted that in *Hambrook's* case Denning, L.J. (as he then was), doubted whether an action for loss of services—it would appear that any claim by company *A* must be made on this ground—could lie at the instance of a limited company.

Road Traffic—Defence of Inevitable Accident—Passenger Taken Ill

Q. We act for a person whose vehicle was damaged in a collision in respect of which the other side are pleading the defence of inevitable accident. The circumstances alleged are that the other driver's small son was taken ill without warning and clutched his father, causing him to lose control over his vehicle and collide with our client's vehicle. We have not discovered any English civil case law on this point, and the Commonwealth cases, whilst rebutting negligence, appear to suggest a distinction between circumstances where the driver loses consciousness and those where he does not but a passenger is taken ill. The facts, as to the child's age, the nature of his illness and consequently the degree to which the driver was taken by surprise, are being established, but assuming that these do not assist in clearly proving negligence, what is the law on this point and can any cases be cited? Are we correct in assuming that no breach of statutory duty is involved?

A. In principle there would appear to be no reason why inevitable accident should not afford a sufficient defence to your client's claim but we, too, have been unable to find any English civil case law directly in point. The all-important question would seem to be whether it can be "established that the driver of the car was guilty of negligence" (per Greene, M.R., in *Browne* v. *De Luxe Car Services* [1941] 1 K.B. 549) and we think that it could be contended that the clutching of the child was the equivalent to a blow from a stone or an attack by a swarm of bees: see the judgment of Lord Goddard, C.J., in *Hill* v. *Baxter* [1958] 1 Q.B. 277. See also *Ryan* v. *Youngs* [1938] 1 All E.R. 522, *The Saint Angus* [1938] P. 225, and "Sudden Illness while Driving," p. 374, *ante*. We agree that no breach of statutory duty is involved.

Redemption of Rents—Rent Charge Created out of Leasehold Land upon Grant of Building Lease—Application of Law of Property Act, 1925, s. 191

Q. Instructing solicitors' client proposes to obtain a rent of £*x* per annum issuing out of leasehold premises. The rent charge will be created upon a grant of a building lease. The rent service payable under the lease will be reserved in favour of the freeholders and the lessee will create a rent charge of £*x* in favour of the builder-developer, who will also be joined in the building lease for this purpose. Three points arise: (*a*) Are the provisions of the Law of Property Act, 1925, s. 191, overriding, or, notwithstanding subss. (4) and (11), can the building lease contain covenants by the lessee contracting out of the redemption provisions of this section? (*b*) In the event of the rent charge being created out of the leasehold land upon the grant of the building lease in the circumstances outlined above, does the rent charge in fact become ". . . a rent reserved by a lease . . ." within subs. (12) of this section and thus in any event outside the provisions of the section? (*c*) In the event of the possibility of contracting out of s. 191, would the assignees of the building lease be equally bound thereby or would they be free to operate the redemption provisions of s. 191 on the grounds that those covenants did not attach to or run with the land?

A. In our opinion: (*a*) The provisions of the Law of Property Act, s. 191, cannot be excluded by undertakings given by the lessee; s. 191 (5) is peremptory. (*b*) No. As we understand the proposal the rent will not be *reserved* by the lease but will be granted by the lessee to someone who is not a reversioner. (*c*) This question does not arise.

Title—Assent by Administrators in Favour of Widow—Evidence of Entitlement

Q. We are involved in a matter where a title includes an assent by administrators in favour of a widow. The deceased, namely, the husband of the widow, left a widow and children and died quite recently so that the entitlement of the widow would appear to be the sum of £5,000, together with a life interest in half the residue and to the personal chattels. The assent consists of an assent absolutely in favour of the widow of real property of an extent considerably more than £5,000 in value. We have asked for evidence that a proper deed of appropriation and family arrangement was made, possibly in commutation of the widow's life interest in half the estate residue, because it appears to us that the purchasers are placed on inquiry, having regard to the figures shown on the face of the act of intestacy grant, and their knowledge of the law on the subject of rights intestate to the estate; in other words they realise that the widow has had assent in her favour, of assets to a greater value than are normally passed to her. We seem to have read somewhere that it is the duty of the purchasers in these circumstances to regard themselves as under an obligation to verify that a proper deed of appropriation and arrangement was in fact made, either commuting the life interest or arriving at some arrangement under which the widow took more than that to which she was entitled, and that the appropriate stamp duty was paid. We can find no authority on this point either in Emmet or in the Encyclopaedia of Forms and Precedents.

A. We are not aware of any authority on this point and opinions may differ. Our view is that if the vendor refuses to produce the evidence of the entitlement of the widow to have the assent in her favour then you will not be able to compel her to do so. A personal representative may assent to a person who is entitled by appropriation or otherwise (Administration of Estates Act, 1925, s. 36 (1)), and the assent is sufficient evidence that such person is entitled to the legal estate (ibid., s. 36 (7)). We are aware that it is not conclusive evidence (*Re Duce and Boots Cash Chemists* [1937] Ch. 642) but in the present instance on proper investigation there is nothing to suggest that the assent is improper and so we think the purchaser cannot insist on looking behind it. Compare the remarks in Emmet on Title, 14th ed., vol. 2, p. 473.

NOTES AND NEWS

THE LONDON SOLICITORS AND FAMILIES ASSOCIATION

This is the time of year at which the London Solicitors and Families Association makes a special attempt to build up the membership, both to replace losses by death and to strengthen the membership by additional recruits. This year members are receiving, during the current month, letters from individual members of the Board, asking them to take part in a recruiting campaign, in order that the subscription income may provide the means for an increased scale of grants which will bear a just relationship to the present value of money.

The Association was founded in 1817 for the benefit of London solicitors and their dependants who had fallen on bad times, and the relatively high cost of living (and practising) in London makes it appropriate that there should continue to be this special regional charity.

Forms of application for membership (with covenant form and banker's order form attached) may be obtained from the Secretary, London Solicitors and Families Association, Maesgwyn, Glaziers Lane, Normandy, Surrey.

Societies

At a dinner meeting of the WEST LONDON LAW SOCIETY held on 19th October, Sir Thomas Lund gave his impressions of the law conferences held recently in Washington and Ottawa. He gave members an interesting insight into some of the administrative problems involved, explaining that the only basis for an advance estimate of likely numbers available to The Law Society was the American conference of 1930 when an English party ninety-eight-strong attended. They never anticipated the contingent of some 1,325 persons who travelled across the Atlantic this time. It might be thought that they had more than their fair share of difficulties, what with the American Civil Aeronautics Board's withholding landing permits for the specially chartered aircraft, the delay in sailing of and the shortgage of staff on the ships carrying many of the lawyers due to labour disputes, and the hurricane "Donna" which held up the departure of aircraft taking many of the visitors on to Canada from the States. Everybody appreciated the great hospitality shown by the Americans and Canadians and the venture was well worth while. Mr. Charles Wegg-Prosser then showed some excellent colour film which he had taken on the trip; his cine-camera expertise was greatly enjoyed, fortune having smiled on his endeavours by enabling him to capture close-up shots of President Eisenhower in the grounds of the White House and the arrival of the Governor-General of Canada to inspect an army parade in Quebec.

The SUSSEX SOCIETY OF YOUNG SOLICITORS is holding a meeting on 3rd November, 1960, at the offices of Messrs. Burt, Brill & Edwards, 46 Old Steine, Brighton, to discuss the new proposals for the education and training of solicitors. Full details of the meeting may be had from Mr. G. C. Child, of 87 King George VI Mansions, Court Farm Road, Hove, 4.

The MEDICO-LEGAL SOCIETY held a meeting on 13th October when Sir Fred E. Pritchard, M.B.E., LL.D., read a paper on "The Respective Functions of Judge and Jury." The president, Mr. Henry Elam, was in the chair. The next meeting will be held on 10th November at the Royal Society of Medicine, 1 Wimpole Street, W.1, at 8.15 p.m., when Dr. Charles H. Johnson, M.R.C.S., L.R.C.P., will speak on "The London Police Surgeon; Past, Present and Future."

The LIVERPOOL LAW CLERKS' SOCIETY has arranged a series of three lectures on "Master and Servant" to be given by Mr. Andrew Rankin, B.A., B.L., on 8th, 15th and 22nd November at 5.30 p.m. in the Law Library, Tower Building, Water Street, Liverpool.

The CENTRAL AND SOUTH MIDDLESEX LAW SOCIETY has circularised 324 solicitors in the South London metropolitan boroughs of Wandsworth, Lambeth, Camberwell, Battersea, Southwark, Deptford, Lewisham, Greenwich and Woolwich, asking them whether they support the formation of a South London law society. Replies are still coming in, but it is understood that some fifty replies indicate support and about half that number express willingness to join a sponsoring committee. About a dozen replies expressed lack of interest in the formation of a South London law society for reasons such as that the persons circularised had left South London or were about to retire or already belonged to another local society nearby. The Law Society has been informed of the circularisation.

At the meeting of the UNITED LAW DEBATING SOCIETY on 3rd October the motion "This House believes that it would be desirable if the restriction on advertising by the legal profession were removed" was lost by one vote. The following programme is announced: 7th November, joint debate with the Sylvan Debating Club, "This House would disestablish the 'Establishment'"; 14th November, "This House considers that travel only teaches that one should stay at home"; 21st November, "This House considers that the censorship of films as practised in this country is both desirable and effective" (opener: Mr. J. M. Trevelyan, O.B.E., secretary of the British Board of Film Censors); 28th November, "This House considers that the majority decision of the Court of Appeal in *Ingram* v. *Little* [1960] 3 W.L.R. 504, was the wrong one, and that the case shows that where the common law is incapable of decisive application to given facts it should be amended by statute." The annual dinner will be held on 5th December under the chairmanship of Mr. Justice Glyn-Jones.

PRINCIPAL ARTICLES APPEARING IN VOL. 104

7th to 28th October, 1960

Lists of cases published earlier this year appear in the Interim Index (to 24th June) and at p. 786, *ante* (1st July to 30th September)

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

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Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

★ Classified Advertisements ★

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
3s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
12s. for 30 words. Additional lines 2s. Box Registration Fee 1s. 6d. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 4855

PUBLIC NOTICES

HEBBURN URBAN DISTRICT COUNCIL

APPOINTMENT OF CLERK OF THE COUNCIL

Applications are invited from Solicitors for the above appointment, which will be subject to the Conditions of Service recommended by the Joint Negotiating Committee for Town Clerks and District Council Clerks.

The salary will be within the range for population of 20/30,000. (At least £1,525 per annum).

All fees and emoluments (with the exception of personal fees, referred to in the recommendations of the Joint Committee), will be paid into the Rate Fund.

The appointment will be terminable at any time by three months' notice on either side, and will also be subject to the provisions of the Local Government Superannuation Acts.

Consideration will be given to the provision of housing accommodation, if required.

Applications stating age, qualifications, experience, previous and present appointments, together with the names and addresses of two referees should be received by the undersigned not later than Tuesday, 1st November, 1960.

K. D. BROWNLOW,
Acting Clerk of the Council.

Council Offices,
Argyle Street,
Hebburn,
Co. Durham.

METROPOLITAN BOROUGH OF LEWISHAM

ASSISTANT SOLICITOR

Applications are invited from Solicitors for this appointment. Salary within J.N.C. lettered scale "B" (maximum £1,670 per annum, subject to confirmation of recent award). Particulars and form of application from the Town Clerk (Dept. Z), Lewisham Town Hall, London, S.E.6. Closing date, 16th November, 1960.

COUNTY BOROUGH OF WEST BROMWICH

ASSISTANT SOLICITOR

Assistant Solicitor required—N.J.C. Conditions of Service. Salary not to exceed £1,245 per annum. Committee work. Five-day week from January next.

Applications with names of two referees to undersigned forthwith.

J. M. DAY,
Town Clerk.

Town Hall,
West Bromwich.

CITY AND COUNTY OF KINGSTON UPON HULL

APPOINTMENT OF CONVEYANCING CLERK

Applications are invited for this post at a salary in accordance with Grade 11 A.P.T. (£815 to £960) according to qualifications and experience.

Applications, in writing, to be made to the Town Clerk, Guildhall, Kingston upon Hull, not later than the 10th November, 1960.

BOROUGH OF MIDDLETON

(1) SENIOR CONVEYANCING ASSISTANT (ADMITTED OR UNADMITTED).
(2) CONVEYANCING ASSISTANT (UNADMITTED).

Applications are invited for the above appointments in the newly expanded Conveyancing Section of my Department. A five-day week scheme is in operation. Local Government experience is not essential.

The Salary Scale for appointment (1) is in accordance with A.P.T. Grade III (£960–£1,140) and applicants should have sound experience in conveyancing work and be capable of working with only slight supervision.

The Salary Scale for appointment (2) is in accordance with A.P.T. Grade II (£815–£960) and applicants should be experienced preferably in conveyancing work but otherwise in general legal work.

Application form and further particulars are available from the undersigned to whom the form should be returned on completion not later than 12th November, 1960.

F. JOHNSTON,
Town Clerk.

Town Hall,
Middleton,
Nr. Manchester.
21st October, 1960.

TUBE INVESTMENTS LIMITED

There is a vacancy in the Tube Investments Limited, Secretarial Department in Birmingham for a BARRISTER or SOLICITOR age 25–30.

Candidates should have had experience of drafting or vetting commercial agreements and practical knowledge of patent, trade mark and Company Law would be an advantage. The appointment will also carry some responsibility for the general secretarial work of the Company.

Salary will be in accordance with experience and there is a contributory pension scheme.

Full details of professional and educational qualifications and experience should be sent to:

Assistant Secretary,
Tube Investments Limited,
T.I. House,
Five Ways,
Birmingham, 16.

MIDDLESEX COUNTY COUNCIL

LEGAL ASSISTANT reqd., on A.P.T. Grade I (£645–£815) plus Weighting (£40 p.a. if 26). Commencing salary may depend on quals. and exper. Duties include conveyancing with some supervision. 5-day week. Pension scheme. Prescribed conditions. Written application to The Clerk of the County Council (ref. "C"), Middlesex Guildhall, Parliament Square, S.W.1, by 12th November. (Quote E.669 S.J.).

MIDDLESEX COUNTY COUNCIL

ASSISTANT SOLICITOR reqd., on N.J.C. Grade for Assistant Solicitors £890–£1,245 (under review) plus Weighting (£40 p.a. if 26). Commencing salary may depend on quals., and exper. since admission. 5-day week. Pension scheme. Prescribed conditions. Written application, with names of 2 referees, to The Clerk of the County Council (ref. "C"), Middlesex Guildhall, Parliament Square, S.W.1, by 12th November. (Quote E.670 S.J.).

BEDFORDSHIRE COUNTY COUNCIL

Invite applications from qualified Solicitors for the posts of SENIOR ASSISTANT SOLICITOR, salary within JNC Scale C/D (£1,560–£1,975), and ASSISTANT SOLICITOR, salary within JNC Scale A (£1,315–£1,565) according to experience. Further particulars and application forms from Establishment Officer, Shire Hall, Bedford, Closing date 9th November.

SOUTHERN ELECTRICITY BOARD

JUNIOR ASSISTANT SOLICITOR

Applications are invited for the post of Junior Assistant Solicitor on the staff of the Secretary and Solicitor to the Board. The commencing salary will be in accordance with Grade 5 of the N.J.C. Agreement for the Electricity Supply Industry, at present £1,020 × £30—£1,140 proceeding, with development of the work and subject to satisfactory service, to Grade 6, at present £1,150 × £30—£1,240, and will be subject to N.J.C. Conditions of Service. Applicants must have a sound knowledge of conveyancing and experience of court work would be an advantage.

The successful candidate will be required to contribute to the Electricity Supply (Staff) Superannuation Scheme.

Applications on forms obtainable from the Secretary, Southern Electricity House, Bath Road, Littlewick Green, Maidenhead, Berks, to be returned not later than 7th November, 1960.

COUNTY BOROUGH OF BURY

ASSISTANT SOLICITOR

Applications invited for the above appointment, within Grade A.P.T. IV (£1,140–£1,310) or A.P.T. V (£1,310–£1,480), according to qualifications, ability and experience. Local Government experience desirable but not essential. Housing accommodation will be considered in suitable cases.

Applications, together with the names of two referees, must reach me by 14th November, 1960.

EDWARD S. SMITH,
Town Clerk.

Town Hall,
Bury.
25th October, 1960.

TRENT RIVER BOARD

APPOINTMENT OF LEGAL ASSISTANT

Applications are invited for the appointment of a Legal Assistant (Unadmitted) at a salary range within A.P.T. Grades III–IV (£960–£1,310 per annum) of the National Scheme of Conditions of Service for Local Government Officers, according to qualifications and experience.

Local Government experience is not essential but applicants must be able to carry through conveyancing and allied transactions with minimum supervision and should have experience in general legal work.

Full particulars of duties, conditions and method of application may be obtained from the undersigned at 206 Derby Road, Nottingham, and should be returned, duly completed, not later than the 7th November, 1960.

IAN DRUMMOND,
Clerk of the Board.

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Classified Advertisements

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PUBLIC NOTICES—*continued*

METROPOLITAN BOROUGH OF BETHNAL GREEN

SENIOR LEGAL ASSISTANT

(Admitted or Unadmitted) required. Salary in A.P.T. IV, £1,140–£1,310 plus London Weighting. Commencing salary according to qualifications and experience. Municipal experience, whilst not essential, will be an advantage.

Particulars and forms of application obtainable from the Town Clerk, Town Hall, Bethnal Green, E.2, to whom completed forms must be returned by noon 14th September, 1960.

APPOINTMENTS VACANT

LEAMINGTON SPA.—Assistant solicitor or unadmitted managing clerk capable of working with very little supervision required in busy family practice. Mainly conveyancing and probate work. Good prospects for an efficient and energetic man in either category.—Apply to Overell & Swain, 33 Warwick Street, Leamington Spa, with full details.

SIDCUP, Kent (close by station), Conveyancing assistant required; typing essential. Salary £624 per annum.—Ring Forest Hill 0551.

LEICESTER Solicitor, small office, requires assistant Solicitor for conveyancing, divorce and litigation work. Supervision willingly given. Commencing salary £700 p.a. All replies acknowledged.—Box 7083, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED North London firm urgently require Assistant Solicitor or experienced Clerk to assist in busy conveyancing practice. Salary in accordance with experience. Permanent position for suitable applicant. Box 6934, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required for general work to assist senior partner. Able to work without supervision or with slight supervision. 5-day week. Salary by arrangement.—Write stating age and experience to Marcan & Dean, 20 Victoria Street, S.W.1.

SOLICITORS in South London require experienced clerk, aged 25/35, as assistant to litigation Manager; knowledge of Divorce and County Court work, Accident Claims, etc., and able to interview Clients. Good salary paid according to age and experience.—Box 7046, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY Solicitors require Managing Clerk aged 35–40, with extensive experience in company and commercial work. Excellent salary for right man.—Box 7089, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk required, admitted or unadmitted, by City Solicitors shortly moving to High Holborn. Salary not less than £1,250 and more according to qualifications. Prospects. — Reply to Box 7090, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

YOUNG Assistant Solicitor required for commercial, tax, specialised trust and general work in large City Solicitors. Commencing salary around £1,000 p.a.—Please supply full particulars to Box 7092, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required by large City firm to work personally with partners on important matters for commercial and private clients. Starting salary up to £2,000 p.a. according to experience and qualifications. Good prospects.—Write with full details about education, articles and experience to Box 7091, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH Midland Solicitors require able assistant, admitted or unadmitted. Good salary and prospects of partnership for admitted man.—Box 7093, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MANAGING Clerk required for Hornchurch Solicitors. Must have sound knowledge of litigation and some experience of conveyancing. Excellent opportunity for conscientious worker.—Box 7094, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROGRESSIVE Property Company require services of an experienced solicitor in conveyancing, hard work, long hours, good prospects and salary.—Box 7097, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CARDIFF.—Young Solicitor interested in litigation and advocacy required by large firm. Suitable for 12 months qualified man with ambition. Commencing salary up to £1,250 per annum according to experience.—Box 7102, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NORTH MIDDLESEX Solicitors require Conveyancing Managing Clerk capable of dealing with General Conveyancing matters with or without supervision. Salary approximately £1,150–£1,250 according to experience and capabilities.—Write with full particulars.—Box 7100, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CARDIFF.—Unadmitted Clerk required by large Firm with experience of Conveyancing and Probate. Commencing salary up to £1,250 per annum according to experience.—Box 7103, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CLIFFORD-TURNER & CO. require admitted or unadmitted Litigation Assistant. Pension scheme; 5-day week and Luncheon Vouchers.—Write with details of experience and age to Mr. H. S. Skuse at 11 Old Jewry, London, E.C.2.

WANTED.—Assistant Solicitor in busy solicitor's office. Newly admitted man would be considered. Salary according to experience.—Apply Machin & Co., 17/19 George Street West, Luton, Beds.

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SUSSEX firm require capable and energetic Solicitor to assist in general practice, mainly conveyancing. Excellent ultimate prospects. Salary up to £1,000 according to experience and ability. Write full particulars.—Box 7114, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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★ Classified Advertisements ★

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APPOINTMENTS VACANT—*continued*

BUSY South East London Firm require Assistant Solicitor or unadmitted Managing Clerk for Conveyancing and Probate work. Salary according to ability and experience.—Write stating age, experience and salary required to Box 7113, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Assistant Solicitor required for expanding practice mainly conveyancing and probate. Opportunity for energetic young man. Prospects of partnership, salary by arrangment.—write stating age and experience to Box 7116, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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MID-SUSSEX Solicitor requires Probate and Conveyancing Clerk to work under slight supervision. Write with full particulars and salary required. Assistance with accommodation if required.—Box 7122, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LONDON, S.W.6, Solicitors require Assistant (admitted or unadmitted) for Conveyancing matters until March, 1961, and possibly longer. Might suit Solicitor requiring small office for own work. Write with details of salary desired.—Box 7120, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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Classified Advertisements

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